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Consejo de Seguridad

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Nota de la Presidencia del Consejo de Seguridad

En el párrafo 2 de la resolución 2515 (2020), el Consejo de Seguridad solicitó al Grupo de Expertos establecido en virtud de la resolución 1874 (2009) que le presentara un informe final con sus conclusiones y recomendaciones.

Por consiguiente, la Presidencia remite adjunto el informe que le envió el Grupo de Expertos (véase el anexo).

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Anexo

Carta de fecha 2 de marzo de 2021 dirigida a la Presidencia del Consejo de Seguridad por el Grupo de Expertos establecido en virtud de la resolución 1874 (2009)

El Grupo de Expertos establecido en virtud de la resolución 1874 (2009) del Consejo de Seguridad tiene el honor de transmitir por la presente, de conformidad con lo dispuesto en el párrafo 2 de la resolución 2515 (2020), el informe final sobre su labor.

El informe se presentó el 5 de febrero de 2021 al Comité del Consejo de Seguridad establecido en virtud de la resolución 1718 (2006), que lo examinó el 24 de febrero de 2021.

El Grupo agradecería que la presente carta y el informe se señalaran a la atención de los miembros del Consejo de Seguridad y se publicaran como documento del Consejo.

Grupo de Expertos establecido en virtud
de la resolución 1874 (2009) del Consejo de Seguridad

Apéndice

Carta de fecha 5 de febrero de 2021 dirigida a la Presidencia del Comité del Consejo de Seguridad establecido en virtud de la resolución 1718 (2006) por el Grupo de Expertos establecido en virtud de la resolución 1874 (2009)

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Grupo de Expertos establecido en virtud
de la resolución 1874 (2009) del Consejo de Seguridad

Resumen

Durante el período sobre el que se informa, la República Popular Democrática de Corea mantuvo y desarrolló sus programas nuclear y de misiles balísticos, en violación de las resoluciones del Consejo de Seguridad. Mostró en desfiles militares nuevos sistemas de misiles balísticos de corto y medio alcance y de misiles balísticos submarinos e intercontinentales. Anunció preparativos para probar y fabricar nuevas cabezas de misiles balísticos y desarrollar armas nucleares tácticas. Además, produjo material fisible, mantuvo instalaciones nucleares y mejoró su infraestructura de misiles balísticos. El país siguió buscando en el extranjero material y tecnología para esos programas. No hay constancia de ensayos con armas nucleares o misiles balísticos.

En respuesta a la pandemia de enfermedad por coronavirus (COVID-19), la República Popular Democrática de Corea impuso controles fronterizos que limitaron drásticamente las transferencias lícitas e ilícitas de bienes y la circulación de personas. El Grupo de Expertos investigó los sofisticados subterfugios que utilizaba el país para sus actividades constantes de importación ilícita de petróleo refinado mediante entregas directas y transbordos de carga entre buques. De las imágenes, los datos y cálculos facilitados por un Estado Miembro se desprende que, entre el 1 de enero y el 30 de septiembre de 2020, los envíos ilícitos superaron varias veces el máximo anual agregado de 500.000 barriles.

El Grupo investigó casos de adquisición de buques y de venta de derechos de pesca por parte de la República Popular Democrática de Corea, así como el mantenimiento de sus actividades de exportación de carbón en violación del régimen de sanciones. El Grupo observa que los envíos de carbón parecen en gran medida suspendidos desde finales de julio de 2020.

El Grupo investigó transferencias, por distintos canales, de otros productos y bienes sujetos a sanciones. Siguió investigando el acceso de la República Popular Democrática de Corea a circuitos bancarios internacionales a través de representantes bancarios propios en el extranjero, empresas conjuntas, empresas ficticias y activos extraterritoriales y virtuales, entre otros medios. Investigó los casos de las empresas Mansudae Overseas Project Group of Companies y Korea Paekho Trading Corporation, de trabajadores de la República Popular Democrática de Corea que habían obtenido ingresos en países de África Subsahariana y de los que seguían obteniendo ingresos en el extranjero, como los profesionales de la tecnología de la información desplegados por el Departamento de la Industria de las Municiones.

El Grupo investigó las ciberactividades malignas de la República Popular Democrática de Corea en violación de las sanciones, en su mayoría dirigidas por la Oficina General de Reconocimiento, en particular el pirateo de activos virtuales y de proveedores de servicios de activos virtuales y los ataques a empresas de defensa.

El Grupo actualizó la información sobre presuntas relaciones de cooperación militar, intentos de eludir el embargo de armas, actividades ilícitas de entidades designadas, como Korea Mining Development Trading Corporation, y el uso comercial de sedes diplomáticas de la República Popular Democrática de Corea en el extranjero.

El Grupo analizó la información sobre los efectos no deseados de las sanciones de las Naciones Unidas que presentaron Estados Miembros y organizaciones no gubernamentales. También presenta los resultados de su encuesta a organizaciones internacionales y no gubernamentales sobre los efectos de la pandemia de COVID-19 y las sanciones en las operaciones de ayuda.

En el informe se formulan recomendaciones al Consejo de Seguridad, al Comité y a los Estados Miembros.

Índice

* Los anexos se distribuyen únicamente en el idioma en que fueron presentados y sin revisión editorial oficial.

I. Introducción

1. En el párrafo 2 de su resolución 2515 (2020), el Consejo de Seguridad solicitó al Grupo de Expertos establecido en virtud de la resolución 1874 (2009) que presentara al Comité del Consejo de Seguridad establecido en virtud de la resolución 1718 (2006) un informe final con sus conclusiones y recomendaciones. El presente informe del Grupo de Expertos abarca el período comprendido entre el 4 de agosto de 2020 y el 5 de febrero de 2021, que se vio afectado por la pandemia de enfermedad por coronavirus (COVID-19) (para las medidas adoptadas al respecto por la República Popular Democrática de Corea, véase el anexo 1).

II. Actividades recientes relacionadas con el programa nuclear y el programa de misiles balísticos

Programa nuclear

2. La República Popular Democrática de Corea siguió adelante con su programa nuclear, que comprende la producción de uranio altamente enriquecido, la construcción de un reactor de agua ligera y el mantenimiento de instalaciones nucleares. En 2020 se repararon daños causados por tifones en varias instalaciones.

3. El Grupo de Expertos observó penachos de vapor en el Edificio de Producción de dióxido de uranio (UO_2) de la planta de enriquecimiento de uranio de Yongbyon. Uno de los dispositivos de refrigeración seguía retirado (véase el anexo 2)[1]. Un Estado Miembro indicó que la instalación de enriquecimiento de uranio de Yongbyon estaba en funcionamiento.

4. El Grupo de Expertos observó que se estaban construyendo nuevas infraestructuras y modernizando edificios existentes en el complejo de la mina de uranio de Pyongsan (véase el anexo 3). Según el Estado Miembro, esas actividades y la variación de volumen de los residuos acumulados apuntaban a que la explotación minera y las plantas de procesamiento seguían operativas.

5. Está en marcha la construcción del reactor de agua ligera de Yongbyon. El Estado Miembro informó al Grupo de Expertos de que en octubre y noviembre de 2020 se habían observado signos de posibles ensayos eléctricos relacionados con la construcción interna del reactor, pero no había indicios de descarga de agua, lo que podría significar que durante el período sobre el que se informa no se había puesto a prueba el dispositivo de enfriamiento.

6. No se han observado indicios de funcionamiento del reactor 5 MW(e) desde finales de 2018, pero sí un tráfico constante a su alrededor, lo que hace pensar que se están realizando actividades de mantenimiento. El Estado Miembro estima que la capacidad de producción de ese reactor es de unos 7 kg de plutonio al año y que la República Popular Democrática de Corea podría tener ya 60 kg. Las imágenes satelitales muestran daños de tifones en la presa del río Kuryong, que controla el nivel de agua y está siendo reconstruida (véase el anexo 4).

7. En las imágenes de satélite, el Grupo pudo observar los daños causados por tifones y la posterior reconstrucción de carreteras y puentes en el emplazamiento de Punggye-ri donde se realizan ensayos nucleares. Para el Estado Miembro, la presencia de personal en ese emplazamiento ponía de manifiesto que no ha sido abandonado.

[1] S/2020/840 y S/2020/840/Corr.1, párr. 3.

8. El Grupo ha estado vigilando la posible relación de las instalaciones de Kangson con el programa nuclear. El Estado Miembro afirmó que, tras analizar las imágenes, no podía confirmar que Kangson fuera una instalación de enriquecimiento (véase el anexo 5).

9. A juzgar por el tamaño de los misiles norcoreanos, el Estado Miembro consideró muy probable que pudieran instalarse dispositivos nucleares en los misiles balísticos intercontinentales y también en los de mediano y corto alcance, pero no estaba seguro de que el país hubiera desarrollado misiles balísticos resistentes al calor generado en la reentrada (véase el párr. 18).

10. Según se informó, en varios actos nacionales del Partido de los Trabajadores de Corea se hicieron declaraciones oficiales sobre el desarrollo futuro del programa nuclear del país (véase el anexo 6, párr. 17).

11. El Grupo de Expertos sigue buscando productos esenciales. En cooperación con un segundo Estado Miembro, el Grupo ha señalado una serie de artículos que no constan expresamente como artículos prohibidos en las resoluciones pertinentes, como los equipos de vacío[2] y los sistemas de control informático (véase el anexo 7).

12. En publicaciones recientes de la Universidad Kim Il Sung y la Universidad Politécnica Kim Chaek se recogen estudios relacionados con programas nucleares (véase el anexo 8), lo que indica que las universidades del país siguen investigando en especialidades que podrían utilizarse en los programas de armas de destrucción masiva.

Transferencia intangible de tecnología y actividades de las universidades de la República Popular Democrática de Corea

13. En seguimiento de su investigación anterior sobre la transferencia intangible de tecnología[3], el Grupo de Expertos está analizando la información aportada por un Estado Miembro sobre 161 investigaciones o estudios conjuntos o documentos publicados conjuntamente con académicos de la República Popular Democrática de Corea desde 2017 sobre temas que pueden incluir tecnologías cuya transferencia está prohibida en virtud de las resoluciones pertinentes del Consejo de Seguridad.

14. El Grupo de Expertos ha solicitado información a 37 universidades que la Universidad Kim Il Sung ha calificado de “hermanas” y con las que tiene o ha tenido intercambios académicos. Hasta la fecha, nueve universidades le han informado de que no tienen programas de intercambio o cooperación académicos con dicha universidad (véase el anexo 9) y de que no habían observado ninguna infracción en relación con las investigaciones del Grupo de Expertos.

Recomendaciones

15. **El Grupo de Expertos recomienda que el Comité considere la posibilidad de publicar una nueva lista de elementos relacionados con las armas de destrucción masiva y los misiles balísticos sujetos a las medidas impuestas en los apartados 8 a), b) y c) de la resolución 1718 (2006)**.

16. **El Grupo de Expertos recomienda que los Estados Miembros se mantengan vigilantes al seleccionar programas internacionales de intercambios universitarios en los que participen académicos de la República Popular Democrática de Corea, cuidando de que tanto ellos como sus patrocinadores cumplan con las disposiciones de los párrafos 10 y 11 de la resolución 2321 (2016),**

[2] Por lo que respecta a los transductores de presión, véase S/2019/691, párr. 43, y S/2019/171 y S/2019/171/Corr.1, párr. 65.

[3] Véase S/2020/151, párrs. 201 a 203.

el párrafo 17 de la resolución 2270 (2016) y los apartados 8 a), b) y c) de la resolución 1718 (2006).

Programa de misiles balísticos

17. En el desfile militar celebrado en Pyongyang el 10 de octubre de 2020 con motivo del 75º aniversario del Partido de los Trabajadores de Corea (véanse las figuras 1 a 4), el país presentó sus últimos y más avanzados sistemas de misiles balísticos operativos y dio a conocer un nuevo modelo intercontinental[4] (véase el anexo 10) y un nuevo misil submarino de mediano alcance (véase el anexo 11). Como ya se ha señalado, el país no solo ha seguido desarrollando y modernizando su programa de misiles balísticos, sino que también ha aumentado su capacidad de realizar ataques nucleares y sortear los sistemas extranjeros de defensa antimisiles (véase el anexo 12), y de protegerse con un nuevo sistema de defensa antiaérea. Asimismo, en el informe del octavo congreso del Partido de los Trabajadores de Corea, que se celebró en enero de 2021, se afirma que las armas nucleares de carácter táctico y estratégico y sus sistemas vectores son los principales medios de disuasión del país[5].

18. El desfile militar posterior, celebrado el 14 de enero de 2021, confirmó que la República Popular Democrática de Corea tenía mayor capacidad de desarrollar armas nucleares de carácter táctico y estratégico. Se dieron a conocer otro modelo de misil balístico submarino[6] y un nuevo misil balístico de corto alcance[7] (véanse la figura 5 y los anexos 11 y 12).

19. Además de las mejoras del sistema de misiles balísticos desveladas en los desfiles, la República Popular Democrática de Corea siguió mejorando la infraestructura industrial de su programa de misiles balísticos y sus bases de misiles balísticos. El país ha puesto empeño en establecer relaciones de colaboración con entidades extranjeras para el intercambio de tecnologías específicas y el suministro de componentes.

20. Los desfiles (véanse las figuras 1 a 5) pusieron de manifiesto la diversidad, las innovaciones[8] y la renovación de un arsenal en el que los misiles de combustible sólido estaban sustituyendo a los misiles balísticos de mediano y corto alcance de propulsión líquida. Se mostraron diferentes sistemas de desplazamiento[9], como los vehículos transportadores-erectores-lanzadores y un submarino en construcción[10] capaz de lanzar misiles balísticos Pukguksong-3 y probablemente también los nuevos misiles Pukguksong-4 y Pukguksong-5 (véanse los anexos 11 y 15).

21. El Grupo de Expertos ha observado que la República Popular Democrática de Corea ha seguido renovando la infraestructura de producción de la fábrica de tanques de Kusong, que participa en la fabricación de vehículos oruga transportadores-erectores-lanzadores para el Pukguksong-2 y otros sistemas de misiles balísticos (véase el anexo 13).

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[4] Véase S/2017/742, párr. 7 y nota 3.

[5] Según el informe del Comité Central del Partido de enero de 2021: “Tras los buenos resultados del ensayo del misil balístico intercontinental ‘Hwasong-15’ realizado el 29 de noviembre de 2017, el Comité Central del Partido declaró con orgullo al mundo que se había superado el reto histórico de constituir una fuerza nuclear estatal y una potencia de cohetes”.

[6] La Agencia Central de Noticias de Corea describió el nuevo misil balístico submarino Pukguksong-5 como el arma más potente del mundo en su género.

[7] El nuevo misil balístico de corto alcance parecía una versión mejorada del KN-23 sobre un transportador-erector-lanzador de 5 ejes.

[8] Véase S/2020/151, párrs. 194 y 195.

[9] Véase S/2020/840, párrs. 10 y 13.

[10] Véase también S/2020/151, párr. 196; S/2017/150, párr. 40; y S/2016/157, págs. 41 a 44.

22. Prosiguió la actividad de la Fábrica 16 de Marzo, la planta automotriz de la zona de Pyongsong[11] en la que se ensambló y presentó el Hwasong-15 en 2017. Se hicieron obras de terraplenado para mejorar las vías de comunicación del lugar (véase el anexo 14).

23. La actividad que lleva realizándose desde julio de 2020 en la dársena de seguridad del astillero naval de Sinpo Sur[12] podría estar relacionada con la manipulación de misiles balísticos submarinos. Se han hecho obras de reparación o mejora en el muelle situado frente a la entrada de la instalación en la que se cree que se está construyendo el submarino de clase Romeo que podría equiparse con misiles de ese tipo[13], lo que podría indicar que su botadura está próxima y por eso están preparando el muelle. Se detectó una actividad similar en el astillero naval de Nampo (véase el anexo 15).

24. El Grupo de Expertos siguió utilizando imágenes de satélite para vigilar las obras en la infraestructura de las bases de operaciones de misiles balísticos, incluidas las actividades de construcción y logística en las bases de operaciones de misiles de Yusang-ri[14] y Kal-gol[15] y la base de misiles de Hoejung-ri[16] (véanse los anexos 16 a 18).

25. El Grupo de Expertos siguió investigando denuncias relativas a la cooperación de la República Popular Democrática de Corea y la República Islámica del Irán en materia de misiles balísticos. En informes anteriores[17] el Grupo ya había informado de la colaboración continuada de representantes de la empresa Korea Mining Development Trading Corporation en la República Islámica del Irán y de la cooperación técnica de ambos países en este ámbito. Según un Estado Miembro, ambos países han retomado la cooperación en proyectos de desarrollo de misiles de largo alcance (véase el anexo 19). Según parece, en el marco de esa cooperación se hicieron envíos de piezas esenciales, el último de ellos en 2020 (véase el anexo 19-1). En una carta de respuesta provisional de fecha 21 de diciembre de 2020, la República Islámica del Irán afirmó que, según su examen preliminar de la información que le había sido presentada, en las investigaciones y análisis del Grupo de Expertos tal vez se hubieran utilizado datos falsos o manipulados (véase el anexo 19-2).

26. La República Popular Democrática de Corea ha seguido adquiriendo de forma ilícita componentes específicos en el extranjero (véanse el anexo 20 y el documento S/2020/840 y S/2020/840/Corr.1, párrs. 8 y 18 y anexo 6) e intentando vender sus propios productos a sus socios (véase el anexo 19-1). Además, estaba tratando de establecer relaciones de cooperación científica y técnica con universidades y laboratorios extranjeros (véase el párr. 13).

[11] Véase S/2020/840 y S/2020/840/Corr.1, párr. 15.
[12] *Ibid.*, párr. 12.
[13] Véase S/2020/151, anexo 60.
[14] También denominado Milchon-ri (39° 27’ 01” N 126° 15’ 35” E).
[15] (38° 40’ 09” N 126° 44’ 14” E).
[16] (41° 22’ 44.93” N 126° 54’ 38.16” E).
[17] Véase S/2020/840 y S/2020/840/Corr.1, párr. 101, e informes anteriores, como S/2019/691, anexo 32, párr. 6, y S/2010/571, párr. 50.

Figura 1

Entre los 11 nuevos sistemas de misiles balísticos exhibidos en el desfile militar del 10 de octubre de 2020, con los que el país ha ampliado su capacidad de fabricación de misiles tácticos y estratégicos[18], destacan dos misiles balísticos intercontinentales, el nuevo modelo extragrande[19] (véase el anexo 10) y el Hwasong-15 y el misil balístico de alcance intermedio Hwasong-12



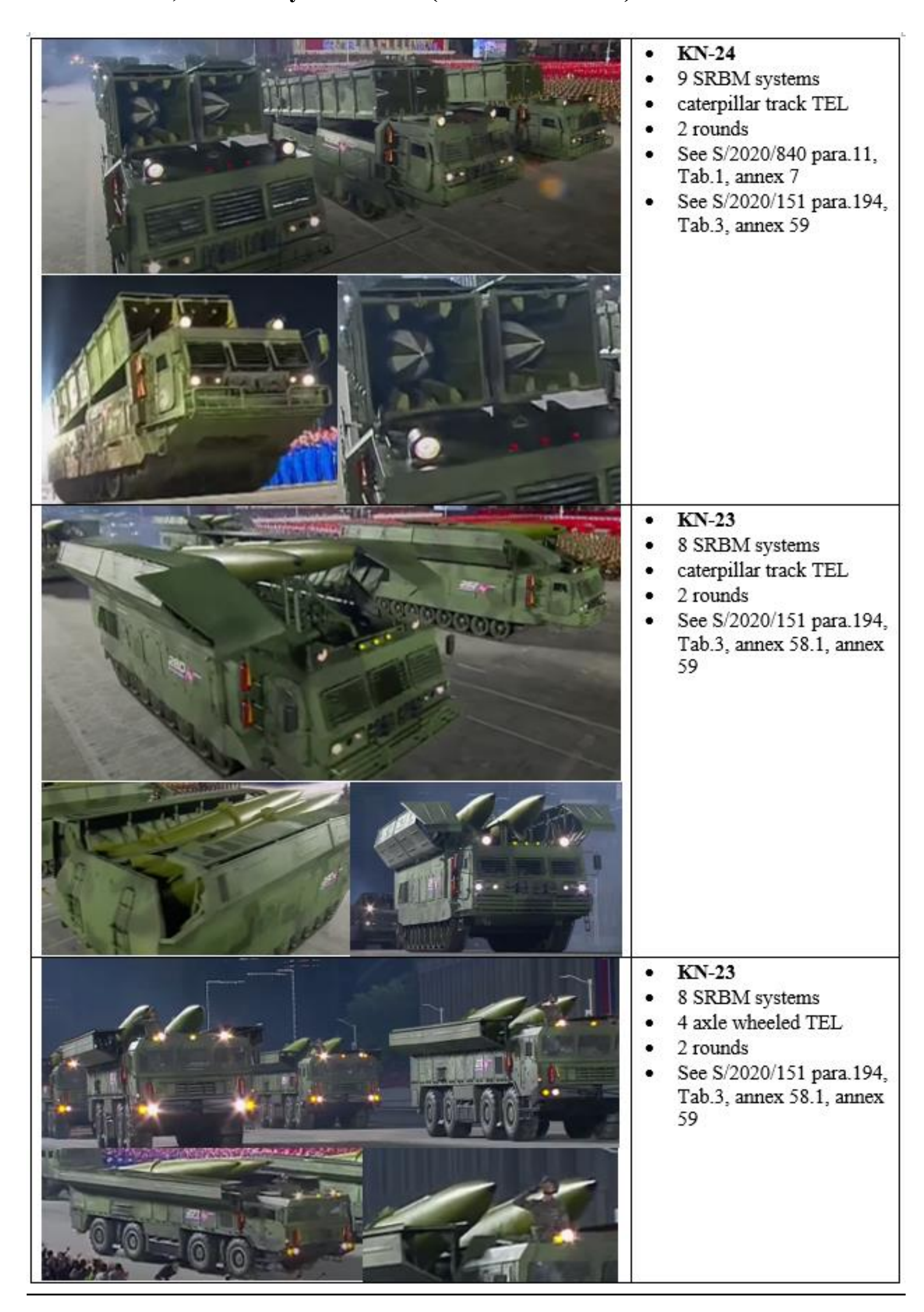
Fuente: Televisión Central de Corea (imágenes), Estados Miembros y Grupo de Expertos (texto).

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[18] En cuanto al número exacto, puede que en el desfile no se hayan mostrado uno o varios vehículos de repuesto para casos de avería, una práctica habitual en los desfiles militares (véase el anexo 10). En las cifras presentadas por el Grupo de Expertos se denomina “carga” al número de misiles que puede transportar un transportador-erector-lanzador y “sistema” al conjunto formado por los misiles y el vehículo transportador-erector-lanzador.

[19] Para referirse al nuevo misil balístico intercontinental extragrande, los observadores utilizan la denominación oficiosa “Hwasong-16”.

Figura 2
Desfile militar del 10 de octubre de 2020, exhibición de dos misiles balísticos de corto alcance, el KN-24 y el KN-23[20] (véase el anexo 12)



Fuente: Televisión Central de Corea (imágenes), Estados Miembros y Grupo de Expertos (texto).

[20] La Agencia Central de Noticias de Corea se había referido previamente a los tres modelos de misil balístico de corto alcance como “un nuevo tipo de arma guiada de carácter táctico” (KN23), “un arma guiada de carácter táctico” (KN24) y “un lanzacohetes múltiple para misiles de largo alcance” (KN25).

Figura 3

Desfile militar del 10 de octubre de 2020, exhibición del nuevo misil balístico submarino de mediano alcance Pukguksong-4, el misil balístico de mediano alcance Pukguksong-2 y el misil balístico de corto alcance KN-25 (véanse los anexos 11 y 12)



Fuente: Televisión Central de Corea (imágenes), Estados Miembros y Grupo de Expertos (texto).

Figura 4

Desfile militar del 10 de octubre de 2020, exhibición del misil balístico de corto alcance KN-25 (véase el anexo 12)

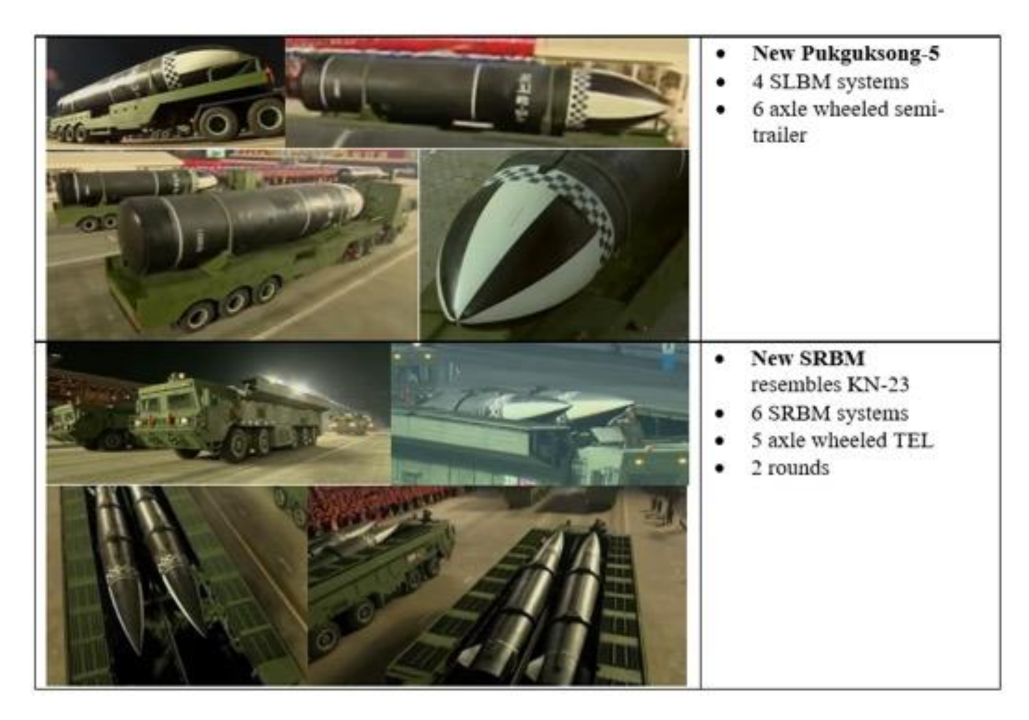


	• **KN-25** Super-large multiple rocket launcher • 9 SRBM systems • caterpillar track TEL • 6 rounds • see S/2020/840 para.11, Tab.1, annex 7 • see S/2020/151 para.194, Tab.3, annex 59
	• **KN-25** Super-large multiple rocket launcher • 9 SRBM systems • 4 axle wheeled TEL • 4 rounds • see S/2020/840 para.11, Tab.1, annex 7 • see S/2020/151 para.194, Tab.3, annex 59

Fuente: Televisión Central de Corea (imágenes), Estados Miembros y Grupo de Expertos (texto).

Figura 5

Entre los nuevos sistemas de misiles balísticos exhibidos en el desfile militar del 14 de enero de 2021, sin contar los intercontinentales e incluyendo todos los de corto alcance exhibidos en el desfile del 10 de octubre de 2020, cabe destacar un nuevo tipo de misil balístico de corto alcance parecido al KN-23 y un nuevo misil balístico submarino, el Pukguksong-5 (véanse los anexos 11 y 12)



Fuente: Televisión Central de Corea (imágenes), Estados Miembros y Grupo de Expertos (texto).

III. Sanciones sectoriales y marítimas

27. La República Popular Democrática de Corea sigue burlando con sus actividades las prohibiciones de diversas resoluciones del Consejo de Seguridad. Según un Estado Miembro, durante los primeros nueve meses de 2020 el país recibió al menos 121 entregas de productos petrolíferos refinados transportados por buques cisterna nacionales y extranjeros[21]. El Comité no recibió, conforme a lo dispuesto en el párrafo 5 de la resolución 2397 (2017), ninguna notificación al respecto[22]. En el cuadro del anexo 21 se recogen los siguientes datos: nombre del buque, número de identificación asignado por la Organización Marítima Internacional (OMI), fecha y puerto de llegada, último Estado de abanderamiento conocido y tonelaje.

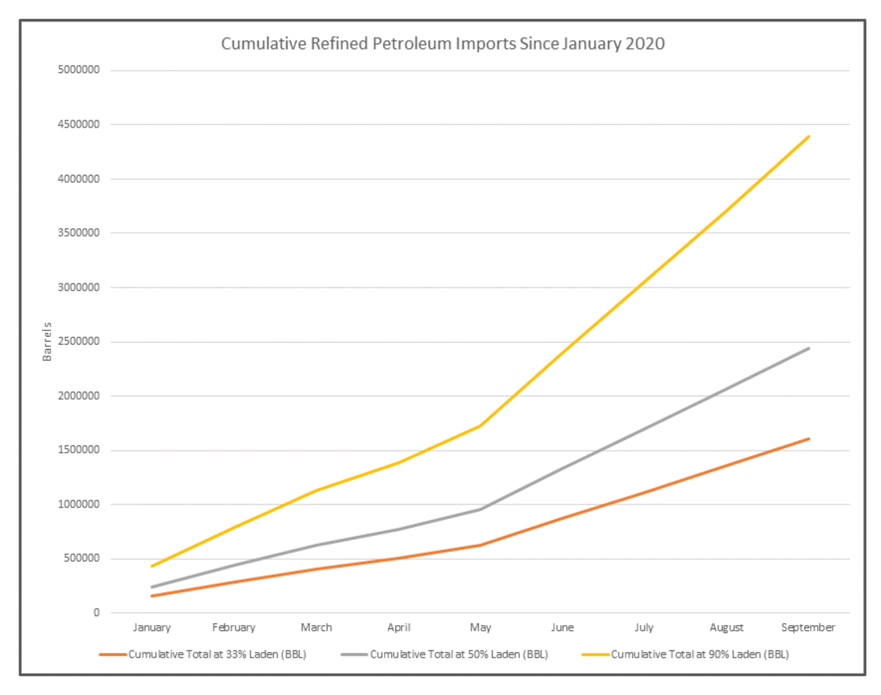
28. El Estado Miembro estima que el volumen de petróleo refinado suministrado a la República Popular Democrática de Corea mediante esos envíos ilícitos (véase la

[21] La mayor parte de las entregas entrañaron transbordos de mercancías entre buques.

[22] Respecto de los envíos de petróleo refinado a la República Popular Democrática de Corea, en 2020 el Comité recibió notificaciones de China por un total de 5.043,33 toneladas y de la Federación de Rusia por un total de 12.833,976 toneladas, con lo que el total general asciende a 17.877,306 toneladas.

figura 6 a)) superó varias veces el máximo de 500.000 barriles en total establecido en dicho párrafo[23, 24].

Figura 6 a)
Total de importaciones de petróleo refinado no declaradas desde enero de 2020



Fuente: Estado Miembro.

29. Varios Estados Miembros estimaban que la República Popular Democrática de Corea podía haber aumentado sus importaciones de productos petrolíferos en 2020 en parte gracias a la adquisición de buques nuevos y más grandes con pabellón de terceros países. Para los cálculos de las importaciones mensuales y su desglose por tipo de buque, véanse respectivamente las figura 6 b) y 6 c).

[23] En enero de 2021, el Comité acordó fórmulas de conversión de toneladas a barriles que utilizará para registrar en su sitio web, a su debido tiempo, los volúmenes de las entregas notificadas calculados en barriles, además de las cifras ya expresadas en barriles en las notificaciones que se vayan recibiendo en el futuro.

[24] Respecto de la metodología, véanse S/2020/840 y S/2020/840/Corr.1, nota 14, e informes anteriores. El Estado Miembro calculó, según la capacidad de carga de los buques utilizada, que las entregas superarían en más de ocho veces el máximo con una carga del 90 %, en casi cinco veces con una carga del 50 % y en más de tres veces con una carga de solo el 33 %.

Figura 6 b)
Importaciones mensuales estimadas

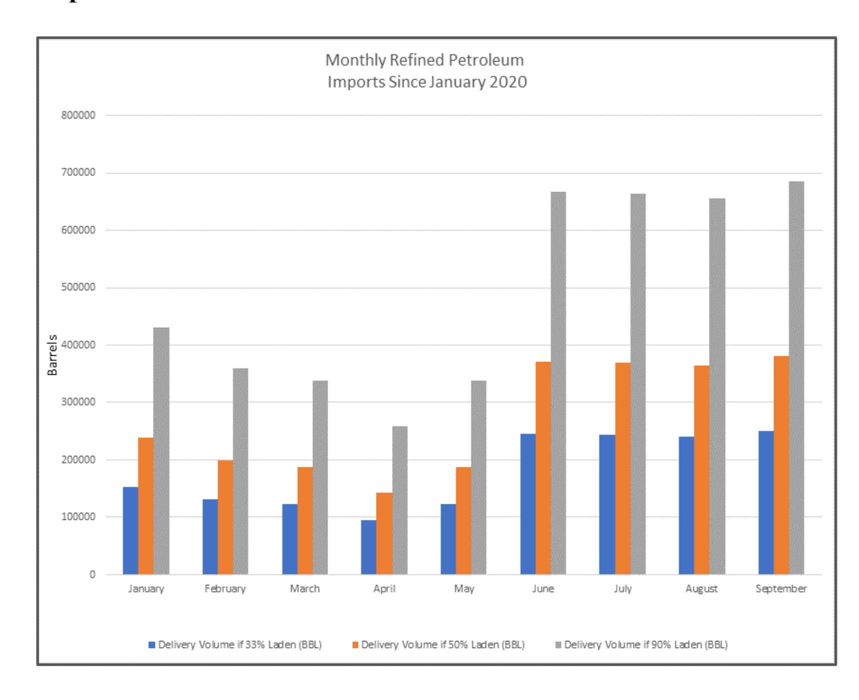
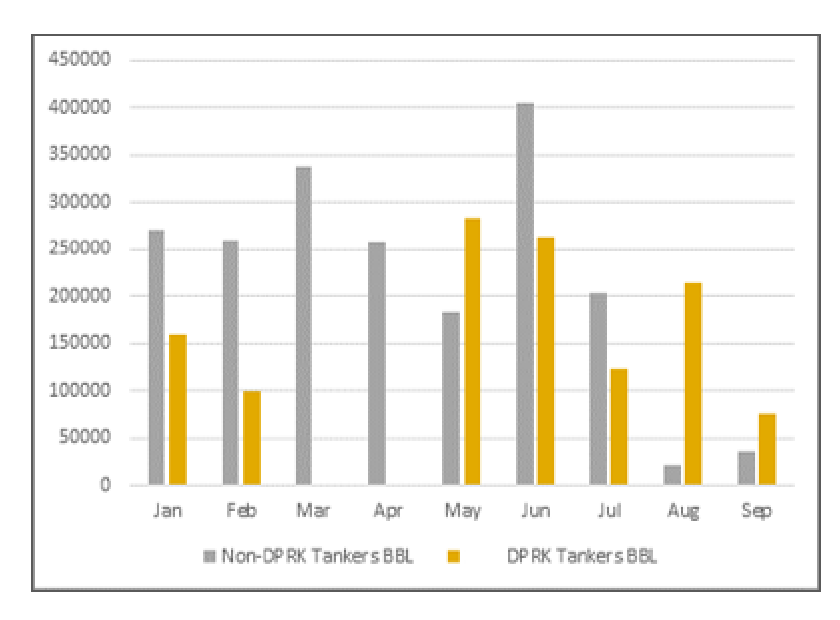


Figura 6 c)
Estimación de las importaciones mensuales de petróleo no refinado por tipo de buque



Fuente: Estado Miembro.

Recomendaciones

30. **El Grupo reitera su recomendación de que, en escrupuloso cumplimiento de la resolución 2397 (2017), los Estados Miembros informen de todos los envíos de productos petrolíferos refinados a la República Popular Democrática de Corea que lleguen a su conocimiento**.

Prácticas fraudulentas de expedición y diligencia debida

Intercambio de identidades entre buques: el New Konk y el Mouson 328

31. Una de las novedades que al Grupo de Expertos le parecen más destacables es que, para realizar actividades prohibidas, los buques utilizan identidades falsas y a veces las intercambian entre ellos con ayuda de perfiles fraudulentos, cambios de apariencia y la transmisión de datos manipulados al sistema de identificación automática. A diferencia de los casos de falsificación de identidad anteriormente investigados por el Grupo[25], en los recientes se utilizan métodos más sofisticados de intercambio de perfiles del sistema de identificación automática y de falsificación de la identidad. El Grupo de Expertos considera que el ilustrativo ejemplo del Mouson 328 y el New Konk puede servir para dar a conocer las técnicas de intercambio de identidad y facilitar así el ejercicio de la diligencia debida y el cumplimiento de las sanciones.

32. El New Konk (núm. OMI 9036387) era un buque de pabellón desconocido que el Grupo de Expertos había detectado por servir en múltiples ocasiones de enlace para el transbordo de petróleo refinado entre un buque suministrador y el buque encargado de entregar directamente el cargamento en Nampo[26]. Analizando los datos de diversas líneas de investigación, el Grupo observó que un día de 2020 en el que navegaba con el nombre M0uson [sic], el New Konk había transmitido el indicador del servicio móvil marítimo con el que anteriormente había estado registrado, con pabellón de Palau, el buque Mouson 328 (número OMI 9021198), lo que ponía al descubierto el carácter fraudulento de la señal (véase la figura 7)[27]. Panamá confirmó que el buque había sido dado de baja de su registro el 29 de agosto de 2020[28].

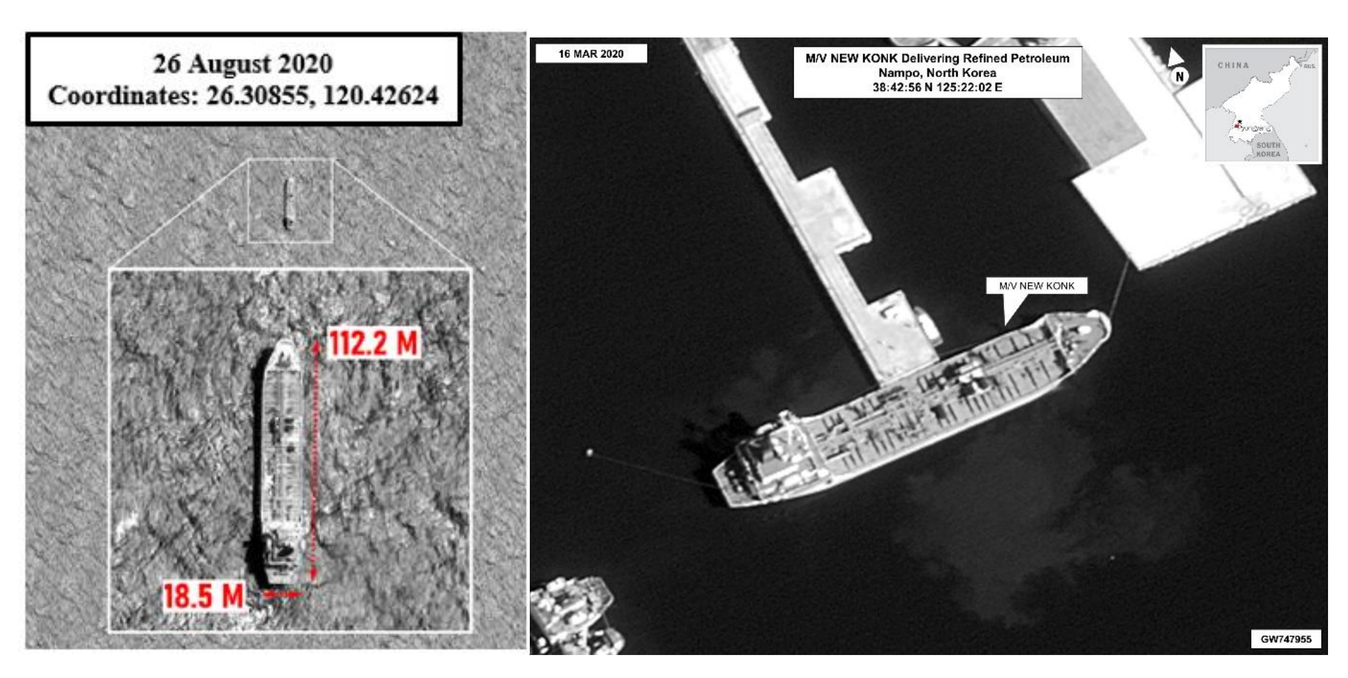
Figura 7
Cambio de indicador del Mouson 328 en marzo de 2020

Fuente: Windward, con anotaciones del Grupo de Expertos.

[25] Véase, por ejemplo, el caso del Yuk Tung (núm. OMI 9030591) (S/2019/171 y S/2019/171/Corr.1, párrs. 5 a 9).
[26] Véase S/2020/151, párr. 32, y S/2020/840 y S/2020/840/Corr.1, párrs. 27, 28 y 62.
[27] Todas las horas y fechas del informe tomadas de la plataforma Windward corresponden a la Hora Estándar del Este.
[28] El Mouson 328 navegó con pabellón panameño de mayo de 2019 a agosto de 2020.

33. Hay imágenes satelitales de alta resolución captadas el 26 de agosto de 2020, en las que se ve al buque, cerca de la isla de Dongyin (China), con un identificador del servicio móvil marítimo históricamente asociado a Palau (511444000). El análisis de las imágenes muestra que las dimensiones del buque coinciden globalmente con las del New Konk[29] (véase la figura 8). La última vez que se registraron señales del New Konk con su número OMI y el identificador del servicio móvil marítimo fue en octubre de 2019.

Figura 8
Comparación de las dimensiones y el aspecto de los buques mediante imágenes satelitales, 26 de agosto de 2020[30]



Fuente: Maxar Technologies (izquierda) y Estado Miembro (derecha).

34. El Grupo de Expertos también consideró que había de hacerse un seguimiento del *Mouson 328* al constatar que en mayo y junio de 2019 estaba navegando con pabellón panameño en aguas de la República Popular Democrática de Corea hasta que dejaron de recibirse señales de su sistema de identificación automática.

35. Al hacer nuevas investigaciones se descubrió que el Mouson 328 ya había intentado a finales de 2019 falsear su identidad registrándose con un nuevo número OMI como un buque recién construido con pabellón de Dominica bajo el nombre de Cherry 19[31]. Las autoridades marítimas le retiraron dicho número al constatar que lo había obtenido con documentos falsos. Se informó de que en octubre de 2020 volvió a registrarse con pabellón tailandés bajo el nombre de Smooth Sea 29, para lo que presentó los documentos del Cherry 19, aunque eliminando esencialmente las referencias históricas al Mouson 328. El Grupo notificó por escrito a las autoridades tailandesas la ubicación del buque en el país, señalando que estaba registrado con documentos falsos seguramente para encubrir que se trataba del Mouson 328. Las

[29] El *New Konk* mide 112 metros de largo y 18,5 de ancho y el Mouson 328 tiene 107,5 de largo y 16,5 de ancho.

[30] Salvo indicación en contrario, todas las fechas se expresan en tiempo universal coordinado (UTC).

[31] A cada buque se le asigna un único número OMI que conservará durante toda su vida útil.

autoridades tailandesas respondieron que estaban examinando la solicitud de información del Grupo.

36. El hecho de que el Mouson 328 empezara a navegar con su nueva identidad falsa (Cherry 19) también permitió que sus indicadores fueran utilizados por el New Konk sin generar grandes anomalías en el sistema de identificación automática que pudieran revelar el cambio de identidad. El Grupo sigue investigando otros posibles casos de intercambio de identidad de buques cisterna vinculados a la República Popular Democrática de Corea. Los datos de las investigaciones y los comentarios del Grupo de Expertos pueden consultarse en los anexos 22 a) a c).

Camuflaje de buques

El New Regent navegando como Hang Yu 11

37. Los buques de la República Popular Democrática de Corea y otros buques designados siguen ocultando su procedencia, por lo que navieros, armadores y comerciantes de productos básicos deben reforzar las medidas de diligencia debida.

38. El New Regent (núm. OMI 8312497)[32], un buque designado del que el Grupo de Expertos ya había hablado en informes anteriores, utilizó medidas de camuflaje y documentos falsos en un intento de recibir una carga de petróleo refinado transbordada desde un buque con pabellón de la República de Corea. En respuesta a las preguntas del Grupo, el armador de este último buque declaró que en el encuentro con la embarcación de pabellón panameño Hang Yu 11 (núm. OMI 8694194) se había actuado con la debida diligencia para comprobar que el buque contaba con todos los documentos y se consideró que su funcionamiento era normal. El Grupo constató por su cuenta que no se había producido ningún transbordo de buque a buque.

39. Al ejercer la diligencia debida con el Hang Yu 11 (que en realidad era el New Regent) hechos como los que se indican a continuación deberían haber despertado sospechas: la transmisión de identificadores incompletos e inválidos; las diferencias de aspecto entre el Hang Yu 11 y el New Regent, que habrían saltado a la vista al comparar sus fotografías; la documentación obsoleta del buque; y la falta de diligencia al tramitar la solicitud de compra del cargamento de petróleo. En otras fotografías del buque obtenidas por el Grupo puede verse un número OMI pintado sobre una inscripción anterior en relieve correspondiente al New Regent (véase la figura 9). El armador del verdadero Hang Yu 11, que navegaba con pabellón del Togo bajo el nombre de Xin Sheng, confirmó de manera independiente la información de dominio público de que el buque había sufrido un incidente de salvamento en febrero de 2019[33]. En los anexos 23 a) y b) se presentan datos y comentarios a este respecto.

[32] Designado el 16 de octubre de 2018.

[33] Según quedó registrado en una plataforma privada de gestión de datos marítimos, el sistema de identificación automática dejó de recibir señales del Hang Yu 11 entre febrero de 2018 y abril de 2020.

Figura 9
Identificadores falsos pintados sobre el relieve de las letras New Regent y el número OMI correspondiente, 30 de junio de 2019



Fuente: Estado Miembro.

El Infinite Luck y el Myong Ryu 1

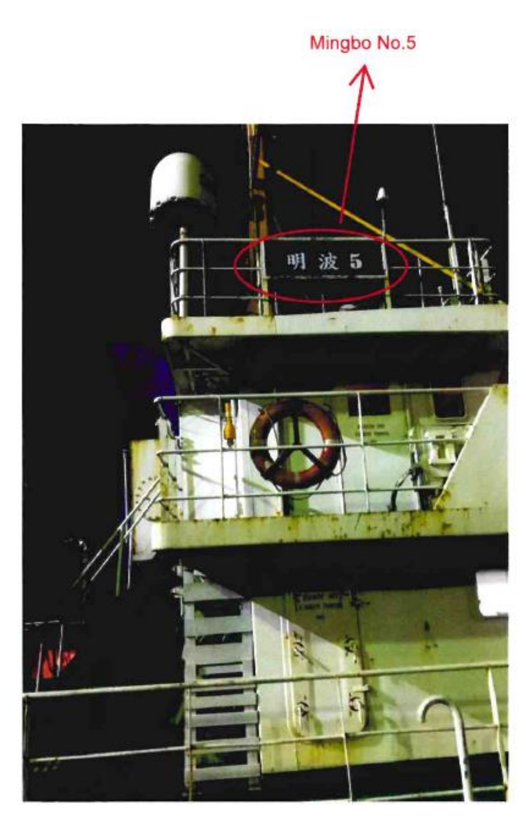
40. Después de que el Grupo de Expertos denunciara un trasvase de petróleo entre el buque Infinite Luck (núm. OMI 9063811), de pabellón panameño, y el petrolero de la República Popular Democrática de Corea Myong Ryu 1 (núm. OMI 8532413)[34], Uniform Shipping, armador registrado del Infinite Luck, respondió por conducto de sus abogados con presuntas pruebas (véase el anexo 24) de que el buque en cuestión había sido llevado con engaños a hacer un transvase prohibido de combustible al Myong Ryu 1, que se había camuflado para hacerse pasar por el petrolero chino Mingbo No. 5 (véase la figura 10).

41. Como medidas de control en ejercicio de la diligencia debida, Uniform Shipping solía pedir fotos con las que confirmar la identidad del buque receptor. Como medida adicional, el armador presentó también un justificante de entrega del cargamento de combustible firmado por el buque receptor que a su parecer demostraba que el Infinite Luck no tenía intención de incurrir en prácticas ilícitas de transporte marítimo con buques norcoreanos.

42. El Grupo de Expertos ha documentado múltiples casos de buques de la República Popular Democrática de Corea y otros países que falsean su identidad mediante camuflaje y otras tácticas engañosas para adquirir ilícitamente petróleo refinado. Habida cuenta de la intención deliberada de engañar, el Grupo considera que la documentación firmada por los buques receptores no basta para eximir de responsabilidad a los buques proveedores. Es preciso que los armadores y las contrapartes pertinentes apliquen un conjunto de medidas y controles eficaces de diligencia debida para evitar verse involucrados en actividades prohibidas.

[34] Véase S/2020/840 y S/2020/840/Corr.1, párr. 33 y anexo 20.

Figura 10
Fotografía facilitada por el armador del Infinite Luck



Fuente: Grupo de Expertos.

Buques de pabellón extranjero o desconocido que hacen entregas a la República Popular Democrática de Corea

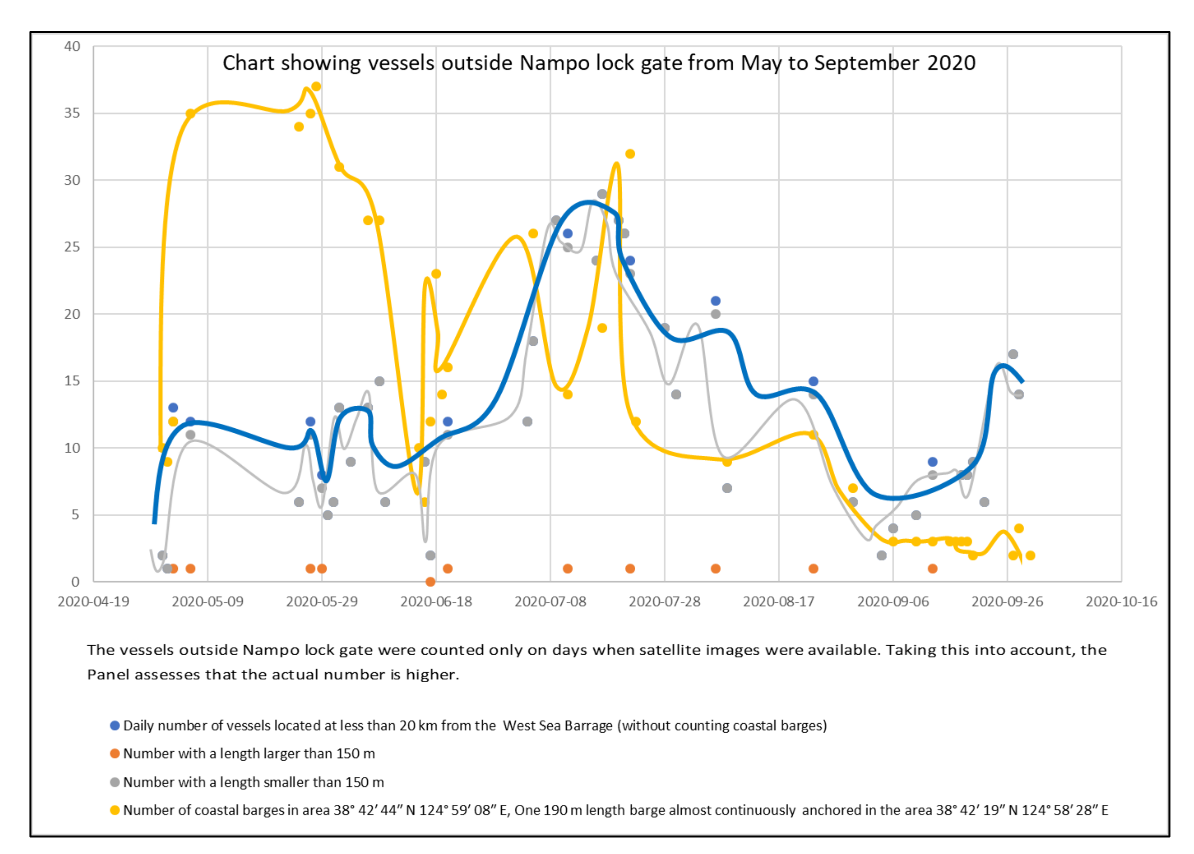
43. El recurso cada vez mayor a buques cisterna que operaban o habían operado en el pasado con pabellón extranjero facilitó las actividades de importación ilícita de productos petrolíferos refinados que la República Popular Democrática de Corea realizaba constantemente. Esos buques tienen mayor capacidad de transporte y entregan los cargamentos de petróleo refinado directamente en los puertos de la República Popular Democrática de Corea, lo que los hace más eficientes que los transbordos de carga entre buques que suelen realizarse en el mar con embarcaciones de menor tamaño. Aunque en el pasado las descargas de petróleo se concentraban en el puerto de Nampo, durante el período considerado (enero a septiembre de 2020) se hicieron descargas directas en otros puertos de la República Popular Democrática de Corea.

44. En un intento de conciliar las medidas de precaución contra la enfermedad por coronavirus (COVID-19) y la necesidad de importar productos petrolíferos refinados, la República Popular Democrática de Corea está utilizando buques propios para recoger frente a la esclusa de Nampo, mediante transbordos entre buques, los cargamentos de petróleo transportados por cargueros extranjeros. Según un Estado Miembro, es probable que desde finales de julio de 2020 no se haya dejado entrar a ningún buque extranjero en el puerto de Nampo como medida contra la COVID-19. En la figura 11 se presenta una representación estadística de la concentración de buques frente a la esclusa de Nampo que el Grupo de Expertos ha elaborado a partir de imágenes satelitales.

Figura 11



Representación gráfica de los buques localizados frente a la esclusa de Nampo de mayo a septiembre de 2020



Fuente: Grupo de Expertos.

45. La República Popular Democrática de Corea también ha incrementado sus importaciones de petróleo utilizando otros buques de pabellón extranjero de los que no hay constancia en informes anteriores del Grupo. Esos buques se suman a la lista de antiguos buques cisterna de pabellón extranjero señalados por el Grupo que siguen suministrando petróleo refinado al país. El sistema de identificación automática registró interrupciones de señal de todos ellos durante los períodos investigados.

Otros buques de pabellón extranjero que transportaron petróleo refinado a la República Popular Democrática de Corea

46. En 2020 aumentó el número de buques de pabellón extranjero que transportaron petróleo refinado a la República Popular Democrática de Corea[35,36]. En el anexo 25, secciones i) a vi) y a) a d), se presentan algunas de las imágenes satelitales tomadas por un Estado Miembro entre mayo y octubre de 2020, otros casos en los que esos buques entregaron petróleo refinado a la República Popular Democrática de Corea, datos sobre las investigaciones del Grupo hasta la fecha y respuestas que ha recibido. Esos buques son:

[35] A menos que se indique lo contrario, la información relativa al abanderamiento y a las entidades registradas como armadoras, responsables y explotadoras de los buques que figura en el presente informe procede del sitio web de la OMI y de IHS Markit.

[36] A diciembre de 2020 o enero de 2021.

a) El An Ping (núm. OMI 7903366), que antes enarbolaba pabellón de Sierra Leona[37], se ve amarrado en Nampo en imágenes del 8 de julio de 2020 (véase la figura 12). El Grupo solicitó información a Samoa y a la entidad propietaria o administradora pasada o presente del buque, domiciliada en la ciudad de Kaohsiung (Provincia China de Taiwán) (véanse las respuestas correspondientes en el anexo 25);

Figura 12
El An Ping descargando petróleo refinado en Nampo, 8 de julio de 2020



Fuente: Estado Miembro.

b) El Heng Rong (núm. OMI 7913098)[38] fue captado el 6 de agosto de 2020 y el 23 de agosto de 2020 con cargamento ante la esclusa de Nampo (véase la figura 13). También realizó un transbordo de carga entre buques el 15 de agosto de 2020 en el mar Amarillo (véanse las respuestas correspondientes en el anexo 25);

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[37] El buque fue dado de baja en el registro de pabellón de Sierra Leona el 2 de julio de 2020 por venta y traspaso.

[38] El buque fue dado de baja en el registro de pabellón de Sierra Leona el 7 de octubre de 2018.

Figura 13

El Heng Rong frente a la esclusa de Nampo, agosto de 2020



Fuente: Estado Miembro.

c) El Rich United (núm. OMI 9129213) no tenía pabellón conocido cuando fue grabado descargando petróleo refinado en Songnim el 13 de junio de 2020 (véase la figura 14). El Grupo solicitó información a las Islas Cook, Mongolia, Seychelles, China y a la entidad o entidades propietarias o administradoras pasadas o presentes del buque, con domicilio en Singapur (véanse las respuestas correspondientes en el anexo 25);

Figura 14

El Rich United descargando petróleo refinado en Songnim, 13 de junio de 2020



Fuente: Estado Miembro.

d) El Run Da (núm. OMI 8511172) se ve atracado en el muelle de entrega de petróleo de Nampo en imágenes del 1 de mayo de 2020, en ese momento enarbolaba pabellón de Mongolia (véase la figura 15). El Grupo solicitó información a Mongolia y Filipinas, así como a la entidad o entidades propietarias o administradoras pasadas o presentes del buque, con domicilio en Hong Kong (China). Mongolia lo dio de baja de su registro de pabellón en septiembre de 2020 por penetrar en zonas comerciales no autorizadas y vulnerar el embargo de las Naciones Unidas. Posteriormente se informó de que el buque había sido vendido en abril de 2020 a una empresa domiciliada en Fuzhou (China), hecho que no se notificó al registro del pabellón ni a la sociedad de clasificación y por el que no se solicitó alta o baja alguna (véanse las respuestas correspondientes en el anexo 25);

Figura 15
Imágenes satelitales del Run Da en el puerto de Nampo, 1 de mayo de 2020

Fuente: Estado Miembro (mapa facilitado por el Grupo).

e) El Xin Hai (núm. OMI 7636638) no tenía pabellón conocido cuando fue grabado descargando petróleo refinado en Nampo el 1 de septiembre de 2020[39]. Sigue investigándose;

f) El Xing Ming Yang 888 (núm. OMI 8410847) fue grabado el 3 de junio de 2020 en Songnim y el 28 de junio en Nampo. El Grupo recomendó la designación del buque, que navega con pabellón desconocido desde noviembre de 2018, por realizar un trasbordo de carga con el Mu Bong 1 (núm. OMI 8610461) en 2018[40]. Estuvo utilizando de manera fraudulenta un número de identificación del servicio móvil marítimo asociado a la República Unida de Tanzanía cuando se encontraba cerca de la bahía de Luoyuan (China) (véase la figura 16). El Grupo solicitó asistencia a China y la República Unida de Tanzanía (véanse las respuestas correspondientes en el anexo 25).

[39] El buque enarboló pabellón de Sierra Leona hasta noviembre de 2019.
[40] Véase S/2019/171 y S/2019/171/Corr.1, párrs. 15 a 17 y figura VII.

Figura 16
El Xing Ming Yang 888 transmitiendo identificadores falsos en mayo de 2020 y descargando petróleo refinado en el puerto de Songnim en junio de 2020



Fuente: Windward, con anotaciones del Grupo de Expertos (imagen superior); Estado Miembro (imagen inferior).

47. Los buques señalados comparten varias características. Todos ellos registraron interrupciones en el envío de señales al sistema de identificación automática que duraron entre varios días y varios meses y coincidieron con las fechas en las que se encontraban en la República Popular Democrática de Corea. También dejaron de emitir señales fuera de esas fechas, lo que apunta a otras posibles entregas ilícitas. Aunque, en la mayoría de los casos, ya no tenían pabellón y en las bases de datos marítimos no constaba información actualizada sobre sus armadores, esos buques siguieron comerciando en aguas internacionales con el transporte de cargamentos de petróleo refinado hasta la República Popular Democrática de Corea.

48. El Grupo de Expertos ya señaló en investigaciones anteriores sobre buques que hacían entregas directas de petróleo refinado a la República Popular Democrática de Corea que los datos sobre los armadores estaban obsoletos o desactualizados[41].

Buques de pabellón extranjero que siguieron transportando petróleo refinado a la República Popular Democrática de Corea

49. Los siguientes buques, que (anteriormente) enarbolaban pabellón extranjero, siguieron entregando petróleo refinado a la República Popular Democrática de Corea entre enero y septiembre de 2020 (véase el anexo 21). La mayoría de ellos han sido dados de baja en los últimos registros de buques en los que consta su inscripción (véanse los anexos 26 y 27):

a) Bonvoy 3 (núm. OMI 8714085)[42], anteriormente bajo pabellón de Sierra Leona;

b) Diamond 8 (núm. OMI 9132612)[43], anteriormente bajo pabellón de Sierra Leona;

c) Hokong (núm. OMI 9006758), de pabellón desconocido;

d) New Konk (núm. OMI 9036387), de pabellón desconocido;

e) Subblic (núm. OMI 8126082), de pabellón desconocido;

f) Unica (núm. OMI 8514306), de pabellón desconocido; y

g) Yun Hong 8 (núm. de identidad del servicio móvil marítimo 413459380), con pabellón de China.

50. La presencia en aguas costeras chinas[44] de varios de esos buques, que el Comité recomienda designar, quedó registrada en bases de datos marítimos privadas. Un Estado Miembro facilitó al Grupo, por separado, fechas y ubicaciones adicionales de algunos de ellos (véase el anexo 28). También se informó de la persistencia de una práctica que el Grupo ya había denunciado anteriormente[45], a saber, la entrada de buques sospechosos en aguas territoriales chinas, donde no podían ser seguidos por buques de vigilancia extranjeros[46]. El Grupo solicitó por escrito a China, entre otras cosas, que lo informara de toda medida de inmovilización de esos buques en sus puertos o aguas territoriales[47]. En cuanto a los buques señalados en el anexo 28, China respondió que no podía investigar sus actividades a partir de la escasa información

[41] Véase S/2020/151.

[42] Según el Estado Miembro, el buque al que se le atribuyen entregas directas de petróleo es el Bonvoy 3 que antes navegaba bajo pabellón de Sierra Leona y número OMI 8714085, no el buque registrado bajo el mismo nombre con número OMI 8978784. La Administración Marítima de Sierra Leona lo dio de baja de sus registros el 12 de noviembre de 2019. Al no haber datos de rastreo o información comercial sobre el Bonvoy 3 con número OMI 8978784, el Grupo extendió la investigación al buque de número OMI 8714085 y observó que sus rutas de navegación y su información de red apuntaban a que ese era el buque en cuestión. Prosiguen las investigaciones sobre ambos buques.

[43] La Administración Marítima de Sierra Leona confirmó que lo había dado de baja de sus registros el 7 de agosto de 2020 por incumplir el régimen de sanciones contra la República Popular Democrática de Corea.

[44] Por “aguas costeras” se entienden las 12 millas marinas de aguas territoriales o las aguas de la zona contigua de 24 millas marinas.

[45] Véase S/2020/151, anexo 8.

[46] Dos expertos consideran que la información de las tres primeras oraciones del párrafo 50 podría comprobarse más a fondo y que en las resoluciones pertinentes del Consejo de Seguridad no se concede a ningún Estado Miembro el derecho de seguimiento y vigilancia.

[47] Véase la resolución 2397 (2017), párr. 9.

que le había comunicado el Grupo de Expertos, solo confirmar que no habían entrado en puertos chinos.

Buques de la República Popular Democrática de Corea que hicieron entregas de petróleo refinado

51. Siguieron entregando cargamentos de petróleo refinado en varios puertos del país buques cisterna que antes tenían pabellón extranjero y lo cambiaron por el de la República Popular Democrática de Corea[48] y buques designados de pabellón norcoreano (véase el anexo 29 para más detalles).

Facilitación de entregas ilícitas de petróleo refinado a la República Popular Democrática de Corea

52. El Grupo continuó investigando las redes que facilitan entregas ilícitas de petróleo refinado a la República Popular Democrática de Corea mediante el análisis de los vínculos entre buques y entidades. T Energy International Co., Ltd. (T Energy), una entidad con sendas direcciones en los distritos de Zhongzheng y de Taoyuan[49] de la Provincia China de Taiwán, participó como consignataria del cargamento de petróleo refinado a bordo del Viet Tin 01 (núm. OMI 8508838), que recaló en el puerto de Nampo el 26 de febrero de 2019 o en torno a esa fecha[50] (en el anexo 30 hay información actualizada de Viet Nam sobre el buque). Desde entonces, el Grupo ha empezado a investigar otros casos de presunta colaboración de T Energy en actividades de suministro o posibles entregas, mediante trasvases de carga entre buques, con petroleros de la República Popular Democrática de Corea. Gracias a la información y los documentos facilitados por varios Estados Miembros, entidades y particulares, el Grupo está investigando la implicación de dicha empresa en una red de asistencia al suministro ilícito de petróleo refinado a la República Popular Democrática de Corea, en particular sus presuntas actividades de facilitación e intermediación en numerosos trasvases de carga a buques con pabellón de la República Popular Democrática de Corea durante los últimos años. El Grupo ha intentado ponerse en contacto con T Energy, pero aún no ha recibido respuesta; los faxes y correos electrónicos enviados a la empresa han sido devueltos tras entregas fallidas.

53. En los anexos 31 a) a d), se presenta una lista de buques que, según un Estado Miembro, realizaron con la colaboración de T Energy trasvases de carga con petroleros de pabellón norcoreano, así como los datos de las investigaciones del Grupo y las respuestas obtenidas.

Transferencia de derechos de pesca

54. A raíz de una noticia publicada en medios de comunicación, el Grupo solicitó información a Choe Un Bok, Presidenta de la Asociación General de Coreanos de China[51], que al parecer estaba organizando la transferencia de derechos de pesca de la República Popular Democrática de Corea. El Grupo no ha recibido respuesta de la Sra. Choe ni de la organización (véase el anexo 32 a)).

55. Se informó al Grupo de Expertos de que Weihai Peninsula Vessel Fuel Co. Ltd.[52] estaba implicada en la concepción de una empresa pesquera conjunta con una entidad

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[48] Véase S/2020/840 y S/2020/840/Corr.1, párr. 26.

[49] Direcciones tomadas de fuentes públicas o facilitadas por un Estado Miembro.

[50] Véase S/2020/840 y S/2020/840/Corr.1, párrs. 39 y 40.

[51] En chino: 旅华朝鲜人总联合会.

[52] En chino: 威海半岛船舶燃料有限公司.

de la República Popular Democrática de Corea (véase el anexo 32 b)). El Grupo no ha recibido respuesta de la empresa.

56. De la información facilitada por diversos Estados Miembros se desprendía que la República Popular Democrática de Corea seguía transfiriendo derechos de pesca y promoviendo medidas de encubrimiento de los buques pesqueros (véanse los anexos 32 c) a f)).

Exportaciones marítimas de la República Popular Democrática de Corea

57. La República Popular Democrática de Corea siguió exportando carbón y otros artículos prohibidos, en vulneración de las resoluciones pertinentes (véanse el párr. 84 y los anexos 34, 35, 36, 38 a) y b) y 39).

Formas de eludir las sanciones marítimas

58. Para mantener sus actividades de exportación, la República Popular Democrática de Corea ha seguido enviando cargamentos de carbón a la zona de Ningbo-Zhoushan (China), ha utilizado grandes barcazas costeras de pabellón chino que realizan directamente ese tipo de operaciones y ha adquirido nuevas embarcaciones. En varios puertos chinos, los buques de la República Popular Democrática de Corea recogían cargamentos humanitarios tras descargar el carbón exportado, lo que indicaba que en ellos se permitía operar a buques presuntamente involucrados en actividades prohibidas con anterioridad[53].

59. Los buques de la República Popular Democrática de Corea también utilizaron diversas técnicas para no dejar rastro en las bases de datos marítimos, como cambiar de bandera, manipular el número de identificación del servicio móvil marítimo o hacerse pasar por buques de pesca o remolcadores. Para manipular los indicadores del servicio móvil marítimo a veces utilizaban números de embarcaciones legítimas, lo que generaba incongruencias en los datos de rastreo del sistema de identificación automática. El Grupo observó además que algunos buques de la República Popular Democrática de Corea utilizaban números de identidad desechables[54] del servicio móvil marítimo que dificultaban su rastreo (véase también el anexo 33 sobre la elusión del sistema de identificación automática).

Buques de la República Popular Democrática de Corea que exportan carbón

60. Según el Estado Miembro, la República Popular Democrática de Corea exportó al menos 2,5 millones de toneladas de carbón de enero a septiembre de 2020 en un mínimo de 400 envíos a aguas territoriales chinas[55]. La mayoría se despacharon a la zona china de Ningbo-Zhoushan, donde los buques de la República Popular Democrática de Corea siguieron descargando carbón mediante trasvases de carga entre buques. El Estado Miembro también observó que el tráfico de buques por las islas Zhoushan había aumentado a lo largo de 2020.

61. El Grupo siguió pidiendo asistencia a China en relación con la concentración de buques de la República Popular Democrática de Corea en un punto concreto del mar frente a Ningbo-Zhoushan[56]. El 17 de junio de 2020 se captaron imágenes satelitales

[53] Véase la resolución 2397 (2017), párr. 9.

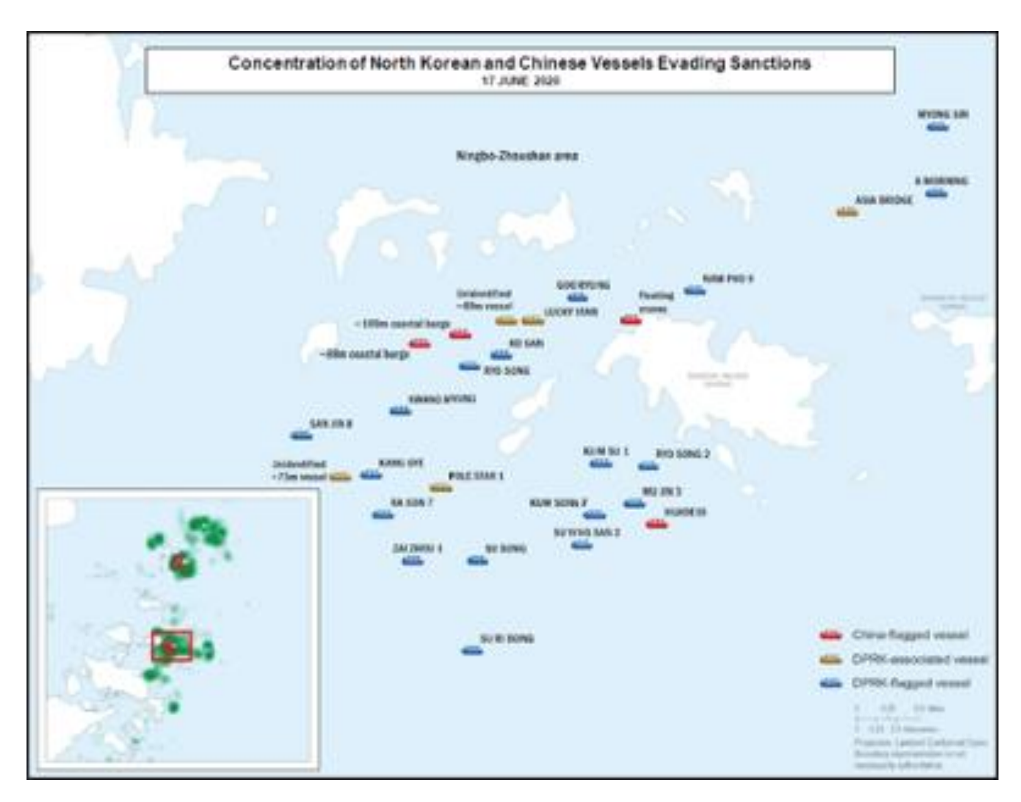
[54] El Grupo ha documentado casos de buques con números de identificación provisionales del servicio móvil marítimo de escasos meses de antigüedad o con identificadores no válidos que, tras manifestarse en aguas de Ningbo-Zhoushan, vuelven a emitir señales desde la República Popular Democrática de Corea o sus cercanías; la información correspondiente se ha comunicado a China.

[55] Dos de los expertos opinan que esta información debe confirmarse.

[56] Véase S/2020/840 y S/2020/840/Corr.1, párr. 46; S/2020/151, párr. 69; y S/2019/691, párr. 19.

de más de 40 buques de la República Popular Democrática de Corea y buques asociados en Ningbo-Zhoushan (véase la figura 17; para los datos de los buques de la República Popular Democrática de Corea que exportan carbón a la zona de Ningbo-Zhoushan, véase también el anexo 34).

Figura 17
Representación gráfica de la concentración de buques de la República Popular Democrática de Corea el 17 de junio de 2020 frente a Ningbo-Zhoushan (China)[57]



Fuente: Estado Miembro.
Nota: El Estado Miembro ha presentado imágenes por satélite de cada uno de los buques señalados.

62. Respecto de todos los buques mencionados, incluidos los señalados en la figura 17, el Grupo de Expertos solicitó a China información sobre los cargamentos de carbón notificados, los transbordos de carga realizados con ellos en aguas chinas y los identificadores de los buques receptores y sus armadores. China respondió que no le constaban salidas o entradas de puertos chinos de los diez buques de la República Popular Democrática de Corea, a saber, el Asia Honor, el Myong Sin, el Paek Hak San, el Kum San Pho 3, el Flourishing, el Sam Jin 8, el Jang Jin Gang, el Su Song, el Enterprise y el Xing Ming Yang 888, y que, no siendo el Estado de abanderamiento de ninguno de ellos, tampoco disponía de más datos al respecto.

Exportación de carbón e importación de artículos humanitarios por la República Popular Democrática de Corea

63. El Grupo de Expertos siguió investigando las infracciones del régimen de sanciones cometidas en aguas chinas por el Tae P(h)yong (núm. OMI 9018751, antes

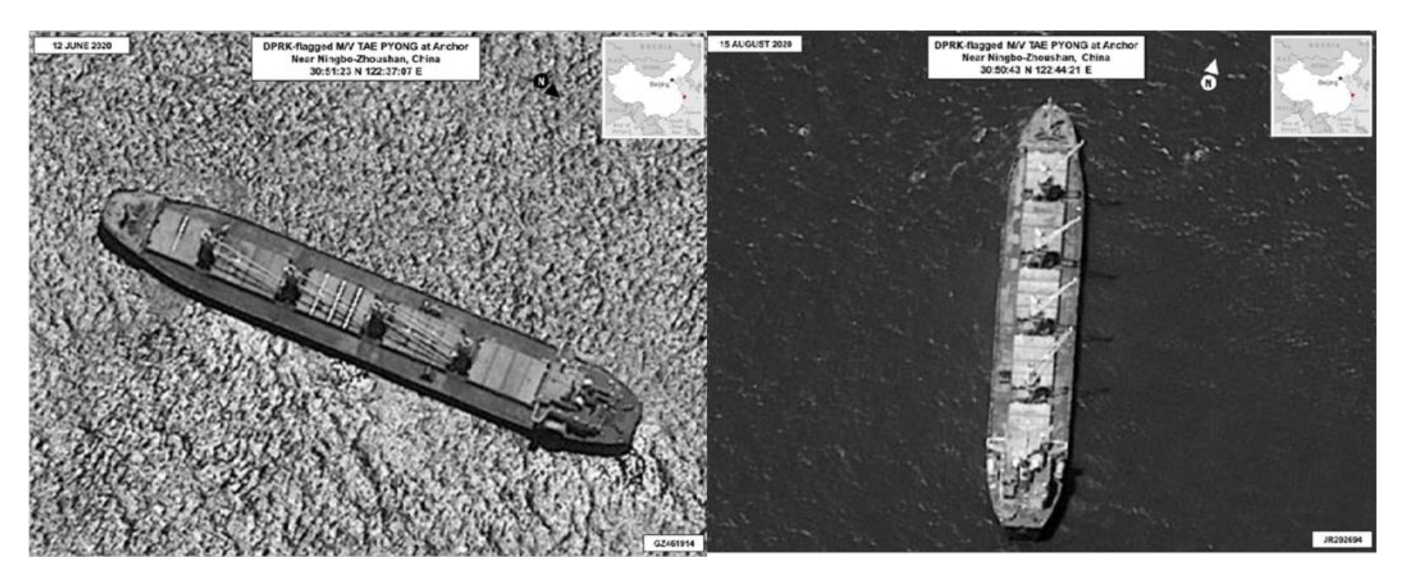
[57] Dos de los expertos opinan que esta información debe confirmarse.

conocido como Great Wenshan)[58]. Siguiendo la ruta de navegación del buque, se constató que había estado en la República Popular Democrática de Corea el 8 de junio de 2020 y había vuelto el 12 de junio a pasar unos días en la zona de Ningbo-Zhoushan, donde ya había estado en mayo, para después recalar en Longkou (China) y regresar a Nampo el 1 de julio de 2020. Gracias a las imágenes de satélite obtenidas con posterioridad por un Estado Miembro llegó a saberse que el buque había cargado carbón en Nampo para exportarlo en aguas de Ningbo-Zhoushan y que después había recibido en Longkou un cargamento de artículos importados de ayuda humanitaria con el que regresó a Nampo. El Tae Pyong viajó de nuevo a Ningbo-Zhoushan a mediados de agosto y retornó a Nampo ese mismo mes (véanse las figuras 18 a) y b)). El Tae Pyong exportó carbón norcoreano en diversas ocasiones y, en el caso anterior, llegó a puerto para recoger un cargamento humanitario, actividades lo hacen pasible de las sanciones pertinentes[59].

64. Según el Estado Miembro, por lo menos otros 11 buques con pabellón norcoreano hicieron viajes similares para exportar carbón e importar artículos humanitarios en la misma travesía. En respuesta a las cartas en las que el Grupo de Expertos solicitó información sobre las actividades, los cargamentos y el último armador chino conocido del Tae Pyong y sobre otros buques con pabellón norcoreano que pudieran realizar viajes similares, China respondió que el Tae Pyong no había hecho ninguna escala en el puerto de Zhoushan en 2020.

Figura 18 a)

El Tae Pyong en aguas de Ningbo-Zhoushan, junio y agosto de 2020

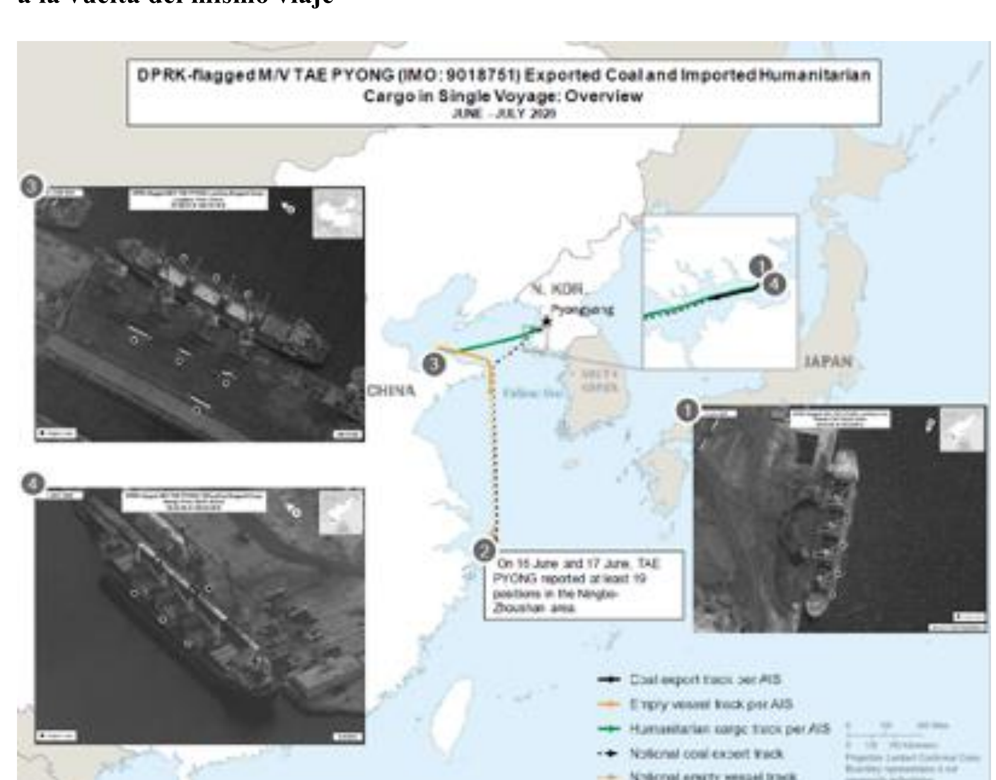


[58] Véase S/2020/840 y S/2020/840/Corr.1, párrs. 52 a 56.

[59] Véanse las resoluciones 2375 (2017), párr. 11, y 2397 (2017), párr. 9.

Figura 18 b)

El Tae Pyong exportando carbón a la ida e importando artículos humanitarios a la vuelta del mismo viaje



Fuente: Estado Miembro.

Cargueros que hicieron entregas de carbón procedente de la República Popular Democrática de Corea

65. Grandes cargueros de pabellón chino hicieron transbordos de carga con buques de la República Popular Democrática de Corea en la zona de Ningbo-Zhoushan y, posteriormente, entregas de carbón norcoreano en puertos o aguas portuarias chinos, según un Estado Miembro[60]. Esos buques tienen mayor capacidad de carga que las embarcaciones más pequeñas y ligeras utilizadas anteriormente para ese tipo de transbordos y permiten recoger los cargamentos de carbón de otros buques en la misma ubicación. Algunos de ellos son el Shun Jin Bao (número de identificación del servicio móvil marítimo 413704010), que entregó carbón en Bayuquan (véase la figura 19), el Huade16 (número de identificación del servicio móvil marítimo 413249920), que entregó carbón en Guangzhou, y el Xinjinyue (número de identificación del servicio móvil marítimo 412501560), que entregó carbón en Caofeidian. Para más datos e imágenes, véase el anexo 35. El Grupo de Expertos solicitó información sobre los transbordos de carga que esos barcos habían realizado con buques norcoreanos y sobre el origen y el destino del carbón descargado.

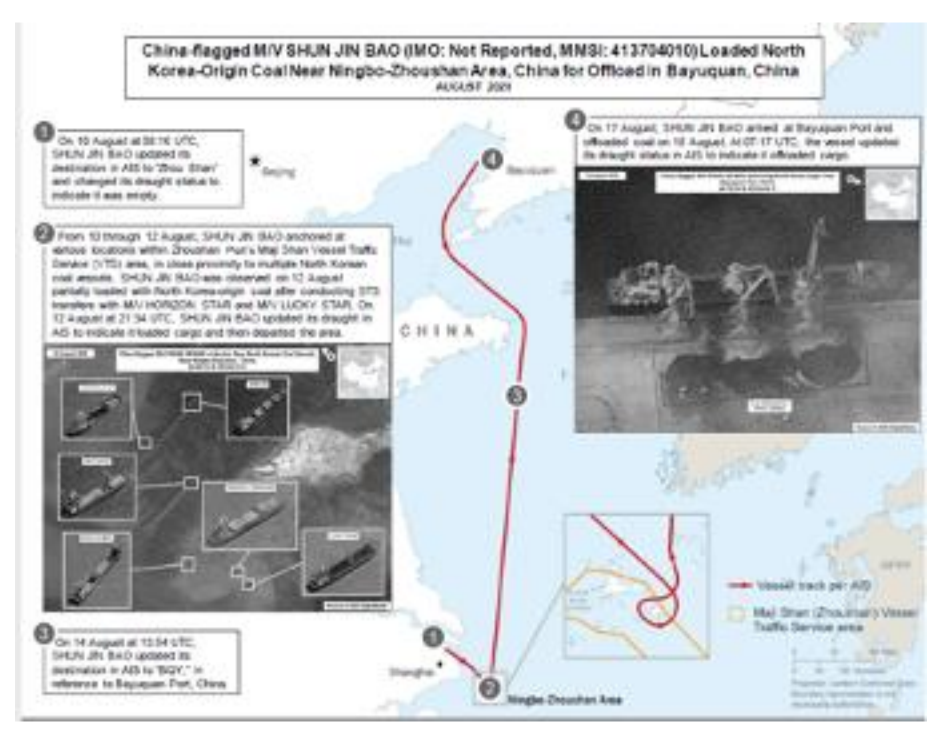
66. China respondió que los buques en cuestión habían navegado entre puertos chinos durante el período indicado en las cartas del Grupo de Expertos y habían cumplido los procedimientos ordinarios de notificación y admisión. Las aduanas chinas habían examinado escrupulosamente los certificados de origen de los cargamentos y no habían encontrado indicios de actividades que infringieran las

[60] Véase también S/2020/151, párr. 72.

resoluciones. Tras examinar con detenimiento sus cuadernos de bitácora, también se descartó que los buques hubieran hecho escalas en puertos de la República Popular Democrática de Corea durante sus viajes nacionales. China esperaba que el Grupo pudiera aportar otras pruebas, si las hubiera.

Figura 19

El Shun Jin Bao entregando carbón procedente de la República Popular Democrática de Corea en Bayuquan (China)



Fuente: Estado Miembro.

Barcazas costeras entregando carbón procedente de la República Popular Democrática de Corea y otros artículos

Carbón procedente de la República Popular Democrática de Corea

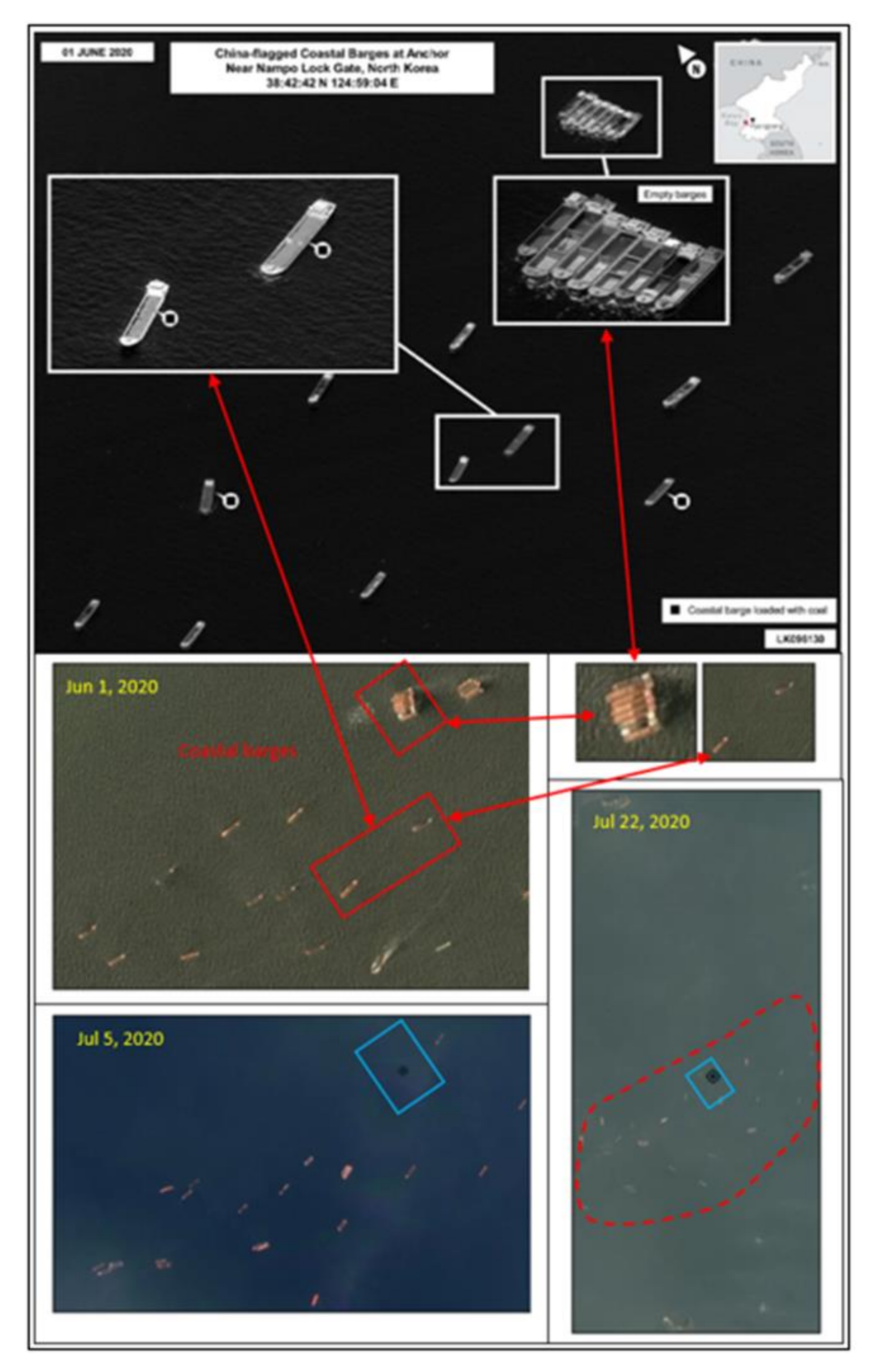
67. Un Estado Miembro observó un gran número de barcazas costeras de pabellón chino operando en la República Popular Democrática de Corea a finales de mayo de 2020; solo en el río Taedong y en el fondeadero situado ante la esclusa de Nampo se observaron 52. En la figura 20 se muestran algunas de las barcazas frente a la esclusa de Nampo en junio de 2020. Según el mismo Estado Miembro, esas barcazas[61] hicieron al menos 155 entregas a China en las que se exportaron aproximadamente 1,63 millones de toneladas de carbón de la República Popular Democrática de Corea[62, 63].

[61] Se trata del mismo tipo de barcazas autopropulsadas que, según se indica en el informe del Grupo de Expertos de marzo de 2020 (S/2020/151), entregaron productos básicos prohibidos a China.

[62] Dos de los expertos opinan que esta información debe confirmarse.

[63] El Grupo comunicó una lista de 65 barcazas costeras de pabellón chino que, según el Estado Miembro, habían realizado probables exportaciones de carbón de la República Popular Democrática de Corea entre mayo y septiembre de 2020.

Figura 20
Grupo de barcazas costeras de bandera china frente a la esclusa de Nampo, junio de 2020 (grupo principal “38°42’42” N 124°59’04” E)

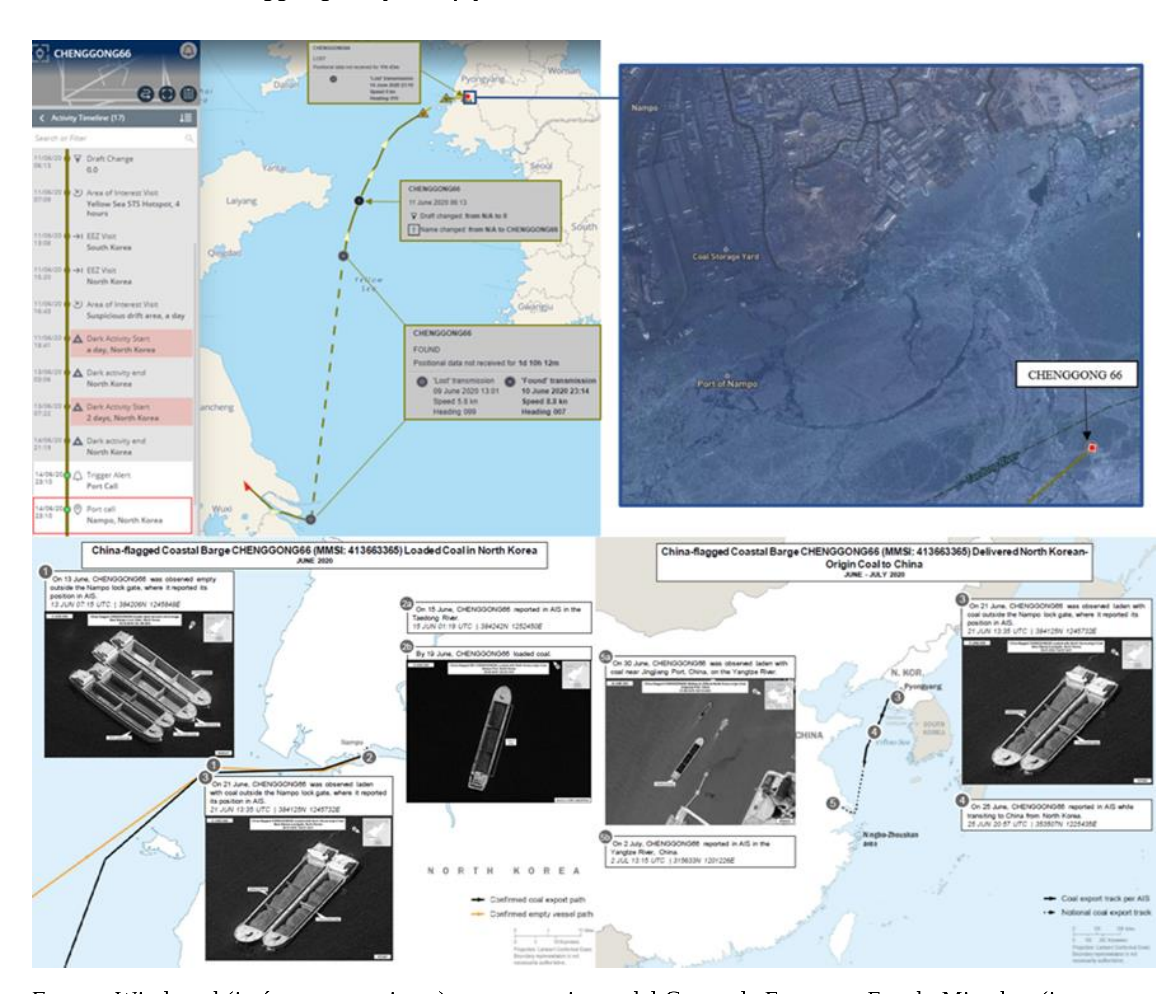


Fuente: Estado Miembro (imagen superior); Planet Labs, Inc. (demás imágenes). 1 de junio de 2020, 02.08 UTC; 5 de julio de 2020, 01.40.35 UTC; 22 de julio de 2020, 02.36 UTC (las imágenes de Planet Labs tienen orientación norte). Anotaciones del Grupo.

68. Como ocurría con las barcazas autopropulsadas chinas que transportan carbón de la República Popular Democrática de Corea y lo descargan en diversos puertos de

China[64] de las que se habló en informes anteriores del Grupo, este tipo de embarcaciones no siempre emite señales al sistema de identificación automática ni lleva números OMI, lo que indica que se destinan principalmente al comercio costero. El Grupo observó que el Chenggong 66 (número de identificación del servicio móvil marítimo 413663365) había emitido señales en las que se identificaba como carguero saliendo de Nantong (China) en junio de 2020. Según los registros, este buque había viajado al menos una vez hasta Nampo antes de regresar a aguas chinas, siguiendo una ruta similar a la utilizada por las barcazas autopropulsadas en 2019. El Grupo solicitó por escrito a China información sobre el tipo de buque, su origen y la clase de carga que transportaba. Posteriormente, el Grupo examinó imágenes satelitales obtenidas por un Estado Miembro en las que se veía al Chenggong 66 (véase la figura 21) y a otras barcazas costeras con pabellón chino transportando carbón de la República Popular Democrática de Corea a China. China respondió que no había ninguna información válida de buques identificados con los números de identidad del servicio móvil marítimo señalados que correspondiera a las 65 barcazas de pabellón chino de la lista (para más detalles véase el anexo 36).

Figura 21
Itinerario del Chenggong 66, junio y julio de 2020



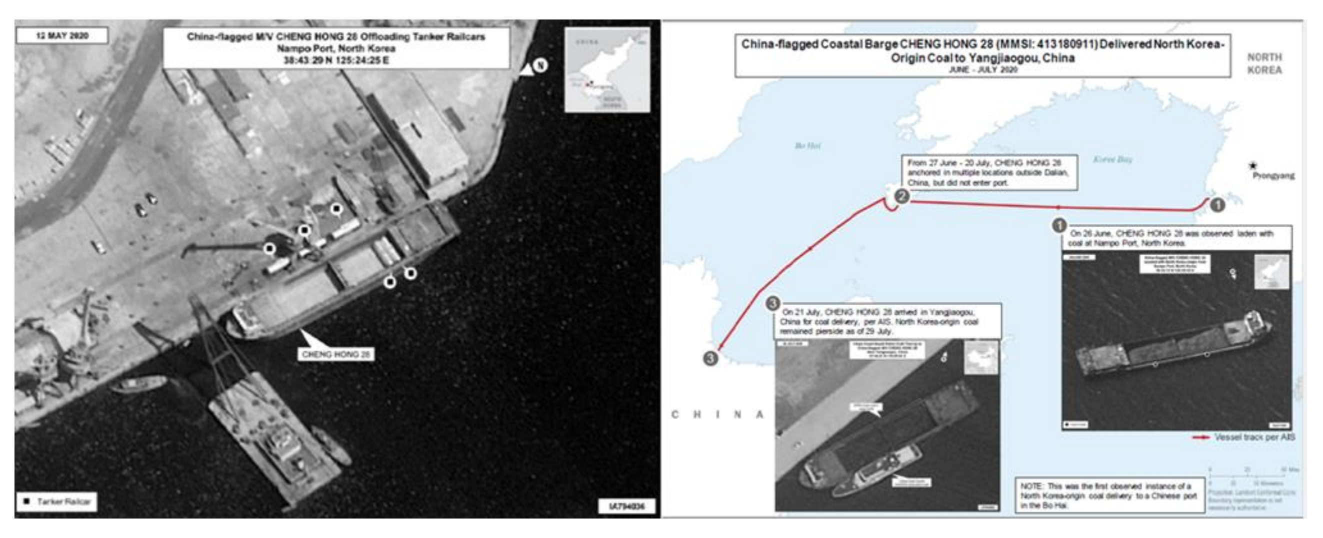
Fuente: Windward (imágenes superiores), con anotaciones del Grupo de Expertos; Estado Miembro (imagen inferior).

[64] Véase S/2020/151, párrs. 59 a 66.

Equipos y artículos

69. Según el Estado Miembro, las barcazas costeras de pabellón chino también exportaron a la República Popular Democrática de Corea vehículos, maquinaria pesada y equipos cuyo suministro, venta y transferencia están prohibidos en virtud del párrafo 7 de la resolución 2397 (2017). En imágenes satelitales tomadas entre mayo y julio de 2020 pueden verse siete de esas barcazas en la zona portuaria de Nampo (véase el anexo 37). Una de ellas, denominada Cheng Hong 28/Changhong28 (número de identidad del servicio móvil marítimo 413180911), que probablemente descargó depósitos de petróleo, carburante y lubricantes en un muelle de Nampo en mayo de 2020, también cargó en junio carbón norcoreano en Nampo que depositó el 21 de julio de 2020 cerca de Yangjiaogou (China). El Grupo pidió a China que lo ayudara a recabar información sobre las actividades de esas barcazas y los resultados de cualquier investigación que se hubiera hecho al respecto (véase la figura 22). China respondió que prestaba gran atención a las actividades de contrabando mediante transbordos de carga entre buques en las que estuviera implicada la República Popular Democrática de Corea y que las autoridades competentes del país habían trabajado mucho en la cuestión. China ya había afirmado reiterada y abiertamente que se oponía oficialmente a esas actividades y que estaba decidida a combatirlas con arreglo a la ley, lo que de por sí era un factor disuasorio.

Figura 22
Actividades prohibidas de exportación de vagones cisterna e importación de carbón del Cheng Hong 28



Fuente: Estado Miembro.

Adquisición ilícita de buques en 2019 y 2020

70. El Grupo informó de los siguientes cargueros que enarbolaban pabellón de la República Popular Democrática de Corea en 2019 y a principios de 2020: el Su Ri Bong (también denominado Fu Xing 12/Pu Zhou) (núm. OMI 8605727), el Tae P(h)yong (núm. OMI 9018751) y el Sam Jin 8 (núm. OMI 8810578)[65]. Un Estado Miembro estimó que el país había adquirido varios buques adicionales[66] pero no pudo confirmarse que navegasen oficialmente bajo el pabellón nacional[67]. Ese es el caso

[65] Véanse S/2020/151 y S/2020/840.
[66] El Grupo sigue investigando otros buques probablemente adquiridos de forma ilícita.
[67] Con registro en la OMI.

del Enterprise (núm. OMI 9153331), que antes enarbolaba pabellón del Togo, el Ming Zhou 6 (núm. OMI 8602763), anteriormente con pabellón chino, y el Ri Hong (núm. OMI 9162318), buque de pabellón desconocido del que ya se ha informado[68].

71. Las investigaciones del Grupo de Expertos apuntan a que esos buques, cuyos últimos armadores conocidos estaban domiciliados en China[69], también estaban cerca de puertos chinos cuando dejaron de emitir señales al sistema de identificación automática, según los registros más recientes que constan en bases privadas de datos marítimos. Reaparecieron en la República Popular Democrática de Corea (el Enterprise, el Ming Zhou 6, el Tae Pyong y el Su Ri Bong) o, junto con otras embarcaciones del país, en aguas de Ningbo-Zhoushan (el Ri Hong y el Sam Jin 8). Según las imágenes satelitales y las transmisiones del sistema de identificación automática, todos ellos realizaron exportaciones de carbón procedente de la República Popular Democrática de Corea en aguas chinas.

72. Según un Estado Miembro, el Ming Zhou 6 fue adquirido por una empresa conjunta de China y la República Popular Democrática de Corea constituida para transferirlo a este último país. Como ocurrió con el Fu Xing 12 (núm. OMI 8605727), la empresa que lo vendió para desguace en mayo de 2019 era china[70]. China respondió que el Ming Zhou 6 y el Fu Xing 12 se habían dado de baja en los registros de propiedad y pabellón en mayo y junio de 2019 respectivamente y desde entonces no constaban entradas o salidas de esos buques en puertos chinos. El Grupo sigue investigando la presunta empresa naviera conjunta del Ming Zhou 6. En los anexos 38 a) y b), se presentan datos sobre el Entreprise e información actualizada sobre el Ri Hong.

Redes de la cadena de suministro

73. El Grupo sigue investigando a las personas y entidades que facilitan la exportación de carbón de la República Popular Democrática de Corea. Según documentos en su poder, el 12 de agosto de 2017 el Glory Taizhou (núm. OMI 9641015)[71] cargó en Nakhodka (Federación de Rusia) 17.415 toneladas de antracita que entregó en Changxingdao (China) en septiembre de 2017. K.W.B Resources Limited[72], empresa registrada en las Islas Vírgenes Británicas cuyo director, Wang Jianbo, asentado en Yantai, utilizó el Jian Fu (núm. OMI 8306890)[73], que entonces tenía pabellón de Palau, para el transporte inicial del carbón de Nampo a Nakhodka, y también participó en la entrega posterior en Changxingdao (véase la figura 23). China respondió que el Glory Taizhou había declarado en la aduana de Dalián que el carbón procedía de la Federación de Rusia y solicitó pruebas de que el país de procedencia era la República Popular Democrática de Corea. La Federación de Rusia todavía no ha contestado.

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68 Este buque fue dado de alta en el registro de pabellón de Sierra Leona en abril y volvió a darse de baja el 17 de noviembre de 2020, cuando expiró su certificado provisional de registro.

69 Con domicilio social en China continental y Hong Kong.

70 http://nbmc.com.cn/download.jsp?id=832.

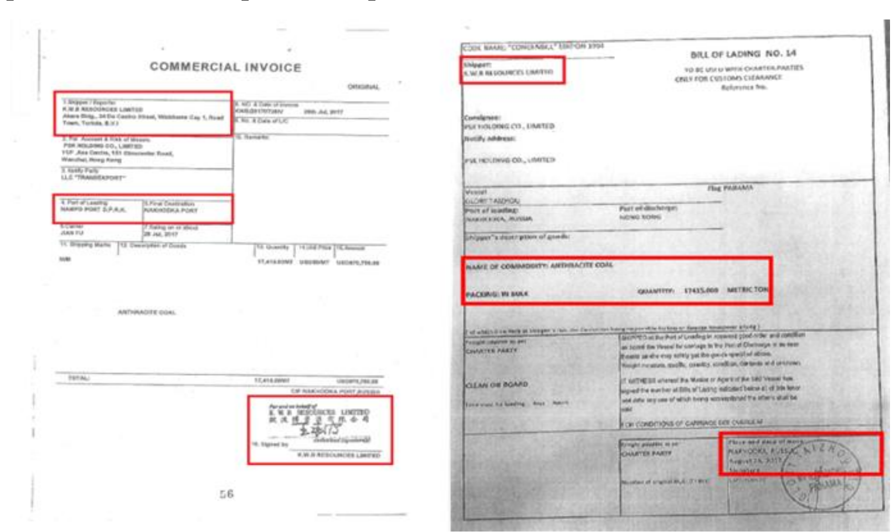
71 Panamá aportó información sobre el itinerario del Glory Taizhou que coincide con la recabada por el Grupo.

72 En chino: 凱沃博資源有限公司.

73 Palau informó de una interrupción de las comunicaciones del Jian Fu (ahora desguazado) con el sistema de identificación automática que coincide con el período señalado en las investigaciones.

Figura 23

Documentos que prueban el transbordo de un cargamento de carbón procedente de la República Popular Democrática de Corea en Nakhodka



COMMERCIAL INVOICE

ORIGINAL

NAMPO PORT D.P.R.K.

NAKHODKA PORT

ANTHRACITE COAL

TOTAL:

56

BILL OF LADING NO. 14

Shipper:

Consignee:

Notify Address:

Vessel

Flag PANAMA

Port of loading:

NAKHODKA, RUSSIA

Port of discharge:

NAME OF COMMODITY: ANTHRACITE COAL

PACKING: IN BULK

QUANTITY: 17435.000 METRIC TON

CHARTER PARTY

CLEAN ON BOARD

Fuente: Estado Miembro.

74. Según informó un Estado Miembro, las entidades chinas XinXin Green Work Research & Development Co. Ltd. y Taizhou Yifeng Transportation Co. Ltd. también estaban implicadas en la adquisición ilícita de carbón procedente de la República Popular Democrática de Corea. En el anexo 39 se presenta información detallada al respecto.

Transferencias de petróleo no notificadas

75. En referencia a un registro de operaciones de transporte que obraba en su poder, el Grupo de Expertos preguntó a la Federación de Rusia por las 617.742 toneladas de productos petrolíferos presuntamente enviadas a la República Popular Democrática de Corea entre 2018 y 2019 sin notificarlo al Comité[74].

Recomendaciones

Al Comité

76. **El Grupo de Expertos recomienda la designación de los siguientes buques por infringir lo dispuesto en el párrafo 5 de la resolución 2397 (2017) del Consejo de Seguridad:**

- **An Ping (núm. OMI 7903366), anteriormente bajo pabellón de Sierra Leona**
- **Heng Rong (núm. OMI 7913098), de pabellón desconocido**

[74] Entre los datos facilitados al Grupo de Expertos había registros de 10 empresas de la Federación de Rusia que habían transportado entre 2018 y 2019 unas 32.982,625 toneladas de petróleo a la República Popular Democrática de Corea, esto es, el 52,5 % del total correspondiente a ese período (62.709,116 toneladas) según las cifras notificadas oficialmente al Comité. El Grupo confirmó que, en la mayoría de los casos, había una clara coincidencia entre las dos series de datos y observa que Korea Ungum (Yngum) Corporation, que según un Estado Miembro es una empresa pantalla del Banco de Comercio Exterior del país, estaba importando productos petrolíferos durante el período. En el párrafo 141 se tratan otras actividades de la misma empresa.

– **Rich United (núm. OMI 9129213), de pabellón desconocido**

– **Run Da (núm. OMI 8511172), anteriormente bajo pabellón de Mongolia**

77. **El Grupo de Expertos recomienda la designación del siguiente buque por infringir lo dispuesto en el párrafo 5 de la resolución 2397 (2017) y reitera su recomendación de designarlo por infringir lo dispuesto en el párrafo 11 de la resolución 2375 (2017):**

– **Xing Ming Yang 888 (núm. OMI 8410847), de pabellón desconocido**

78. **El Grupo de Expertos recomienda la designación de los siguientes buques por otras infracciones de lo dispuesto en el párrafo 5 de la resolución 2397 (2017):**

– **Diamond 8 (núm. OMI 9132612), anteriormente bajo pabellón de Sierra Leona**

– **Hokong (núm. OMI 9006758), de pabellón desconocido**

– **New Konk (núm. OMI 9036387), de pabellón desconocido**

– **Subblic (núm. OMI 8126082), de pabellón desconocido**

– **Unica (núm. OMI 8514306), de pabellón desconocido**

– **Yun Hong 8 (núm. de identidad del servicio móvil marítimo 413459380), bajo pabellón de China**

79. **El Grupo de Expertos recomienda la designación de los siguientes buques por infringir lo dispuesto en el párrafo 11 de la resolución 2375 (2017):**

– **Enterprise (núm. OMI 9153331), anteriormente bajo pabellón del Togo**

– **Ri Hong (también Klausen) (núm. OMI 9162318), anteriormente bajo pabellón de Sierra Leona**

– **Tae P(h)yong (núm. OMI 9018751), bajo pabellón de la República Popular Democrática de Corea**

A los Estados Miembros, sobre las mejores prácticas en lo que respecta a las actividades de la República Popular Democrática de Corea

Respecto de las medidas de diligencia debida contra la elusión de sanciones

80. **El Grupo de Expertos recomienda que los Estados Miembros sigan dando a conocer estos problemas en todo el sector, en particular las nuevas tácticas que utilizan los infractores para eludir las sanciones y las medidas con las que pueden mitigarse los riesgos correspondientes. A tal fin pueden enviarse avisos y circulares para su difusión en todo el sector**.

Respecto de las medidas de diligencia debida en casos de transbordos de carga entre buques

81. **El Grupo recomienda a quienes participen en transvases de cargamentos de petróleo refinado entre buques situados en zonas conocidas por actos ilícitos de ese tipo, que autoricen al capitán del barco u otro miembro designado de la tripulación a enviar al registro del pabellón correspondiente un correo electrónico en el que se dé parte del suceso y se indiquen los siguientes datos: los identificadores del buque en cuestión (el nombre, el número OMI y el número de identificación del servicio móvil marítimo), la naturaleza y el volumen de la carga transbordada, la fecha y la hora de inicio y fin de la operación y el lugar en el que se produjo**.

82. **El Grupo recomienda a las partes competentes de la cadena de suministro marítimo que consideren la posibilidad de imponer controles para verificar debidamente la procedencia de los buques que realizan transbordos de carga, sobre todo en las zonas conocidas por ese tipo de operaciones ilícitas. Uno de ellos podría ser exigir la presentación de documentos de expedición completos y fieles, por ejemplo conocimientos de embarque en los que se indiquen la procedencia y el destino de la carga o certificados de exportación, según proceda**.

83. **El Grupo de Expertos recomienda que los Estados Miembros mantengan la vigilancia a fin de detectar y prevenir operaciones ilícitas de buques con permisos de pesca de la República Popular Democrática de Corea, que pueden utilizar diversos métodos para disimular sus actividades e identidades**.

Estadísticas comerciales de la República Popular Democrática de Corea

84. Según los registros, el comercio exterior de la República Popular Democrática de Corea se desplomó en 2020 debido a los cierres de fronteras decretados contra la COVID-19[75]. El nivel de exportaciones en los nueve primeros meses de ese año solo llegaba al 9,2 % del total de exportaciones de 2019 (véase el cuadro).

Cuadro

Datos comerciales registrados de la República Popular Democrática de Corea, 2019 y 2020 (enero a septiembre)

(En miles de dólares de los Estados Unidos)

	2019	*2020 (enero a septiembre)*
Exportaciones	447 351	41 115
Importaciones	2 725 394	310 452
Balanza comercial	**(2 354 508)**	**(269 337)**

Fuente: *Trade Map* del Centro de Comercio Internacional (consultado el 15 de diciembre de 2020).

85. El Grupo de Expertos siguió analizando los datos de las estadísticas comerciales publicadas de la República Popular Democrática de Corea para averiguar si se habían infringido las resoluciones pertinentes[76]. A pesar de los cierres de fronteras, según las estadísticas la República Popular Democrática de Corea cometió en 2020 numerosas infracciones de ese tipo al comerciar con maquinaria, equipos eléctricos y hierro, entre otros artículos[77].

86. La República Popular Democrática de Corea también comerció con artículos prohibidos que no figuran en las bases de datos estadísticos sobre comercio internacionales o nacionales[78]. Según un Estado Miembro, el país exportó a China al

[75] Según cifras del *Trade Map* del Centro de Comercio Internacional, que recoge datos aduaneros declarados por los Estados Miembros.

[76] Véase la lista completa de códigos del Sistema Armonizado que el Grupo utiliza para controlar la aplicación de las prohibiciones sectoriales en el anexo 40, que sustituye al anexo 4 del documento S/2018/171 y S/2018/171/Corr.1.

[77] En el anexo 41 se ofrece información detallada sobre la metodología del Grupo de Expertos y sobre las consultas a Estados Miembros y las respuestas correspondientes. El Grupo de Expertos observa que, en sus respuestas, los Estados Miembros no siempre le aportaron la información que necesitaba para concluir que los intercambios comerciales en cuestión no se habían hecho con la República Popular Democrática de Corea.

[78] Para los casos a los que se refiere este párrafo, el Grupo consultó los sitios web del *Trade Map* del Centro de Comercio Internacional y de la Administración General de Aduanas de la República Popular China.

menos 4,1 millones de toneladas de carbón y posiblemente otros minerales prohibidos entre enero y septiembre de 2020 (véanse los anexos 34, 35, 36, 38 a) y b) y 39) y durante el año también importó artículos prohibidos, como maquinaria, mediante barcazas procedentes de China (véanse el párr. 69 y el anexo 37)[79]. Estos intercambios no figuran en las bases de datos estadísticos sobre comercio.

Posible comercio en línea de productos prohibidos

87. El Grupo de Expertos investigó las actividades de la empresa china Dandong China-DPRK Information Co., Ltd.[80], que administraba una plataforma de comercio electrónico (www.hcein.com). En el sitio web de esa empresa (véase la figura 24) se indica que su misión es fomentar el comercio y la inversión entre China y la República Popular Democrática de Corea y se presentan productos con los que trabaja, entre los que hay maquinaria, equipos eléctricos, embarcaciones y otros artículos prohibidos[81]. La empresa aún no ha respondido al Grupo, que le solicitó información sobre sus clientes, el funcionamiento del sitio web y las operaciones de comercio o inversión que hubiera generado. Sigue investigándose.

Figura 24
Sitio web de la empresa Dandong China-DPRK Information Co., Ltd.



Fuente: www.hcein.com, con anotaciones del Grupo de Expertos.

[79] Dos de los expertos opinan que esta información debe confirmarse.
[80] En chino: 丹东华朝信息有限公司.
[81] El sitio web seguía funcionando el 5 de enero de 2021. En los cuadros rojos se señalan artículos prohibidos.

Aplicación de la prohibición de importar y exportar

88. El Grupo solicitó a las autoridades aduaneras de 35 Estados Miembros información sobre el cumplimiento, entre 2018 y 2020, de las obligaciones derivadas de las resoluciones pertinentes, entre ellas las obligaciones de inspeccionar todos los cargueros que tuvieran a la República Popular Democrática de Corea por destino o procedencia y de incautar y eliminar los artículos prohibidos que encontraran con arreglo a lo dispuesto en el párrafo 18 de la resolución 2270 (2016) y el párrafo 20 de la resolución 2397 (2017).

89. El Grupo constató que los Estados Miembros habían respetado las prohibiciones[82], aunque en ocasiones hubieron de determinar si el intercambio comercial de determinados artículos estaba o no prohibido con la República Popular Democrática de Corea. En un caso en el que se incautaron medicamentos que podían exportarse a la República Popular Democrática de Corea, se rechazó el despacho de aduanas sin motivos suficientes. Asimismo, un Estado Miembro mostró que no había entendido bien las resoluciones pertinentes al sostener que sus importaciones de la República Popular Democrática de Corea estaban permitidas porque entre ellas no había ninguno de los materiales químicos, nucleares o biológicos indicados en la resolución 2270.

IV. Embargos, entidades y personas designadas y trabajadores en el extranjero

Embargos

Camboya

90. El Grupo de Expertos observó que en el documental *The Mole: Undercover in North Korea*, estrenado en octubre de 2020, se indica que un grupo de traficantes internacionales de armas de la República Popular Democrática de Corea y ciudadanos de un país europeo se reunieron en Phnom Penh en 2017 para examinar el coste de un contrato de armas y la manera de cerrarlo, y se da a entender que esa venta no llegó a concretarse. En respuesta a la consulta del Grupo, Camboya respondió que el documental en cuestión tenía por objetivo atacar a Corea del Norte; que no se habían encontrado indicios de comercio de armas en Camboya; que en el vídeo no se presentaban motivos y pruebas claros para sustentar la hipótesis del comercio de armas porque en su realización se recurría a la imaginación y la ficción y porque con su presentación pública se pretendía ganar dinero o se perseguían otros fines (véase el anexo 43; véanse también el párrafo 151 y el anexo 88). En el anexo 88 se informa sobre una escena del documental en la que está implicada Uganda.

Nigeria

91. El Grupo continuó investigando el desmantelamiento de una trama de contrabando de armas urdida por un nacional de la República Popular Democrática de Corea en Chequia, otro Estado miembro de la Unión Europea y Nigeria[83]. Un Estado Miembro informó de la presencia en Nigeria en enero de 2020 de un ciudadano norcoreano llamado Hong Yong Su, que según se sospechaba era o había sido miembro de la inteligencia militar y de la Oficina General de Reconocimiento de dicho país (KPe.031). El Estado Miembro también sospechaba que el Sr. Hong

[82] Un Estado Miembro informó de 12 registros de exportaciones en las que la República Popular Democrática de Corea figuraba como país de destino, que posteriormente se retiraron y dieron lugar a la devolución de las mercancías.

[83] Véase S/2020/840 y S/2020/840/Corr.1, párrs. 74 a 77.

actuaba en nombre de Haekumgang Trading Co., que se consideraba una empresa instrumental de las fuerzas armadas de la República Popular Democrática de Corea para el comercio de armas en África, y de Korea Hyoksin Trading Corporation (KPe.006). Nigeria respondió que en la base de datos de su Servicio de Inmigración no había constancia del Sr. Hong Yong Su y que, según las investigaciones, la empresa Haekungaan Trading Corporation no estaba domiciliada ni operaba en Nigeria (véase el anexo 44).

Federación de Rusia y Hungría

92. Según un artículo de la agencia *Kommersant* publicado el 8 de agosto de 2020, el Servicio Federal de Seguridad de la Federación de Rusia había frustrado la operación de contrabando de material militar que Vladimir Lyubishin intentó realizar en agosto de 2016. Konstantin Moskal, su ayudante Denis Fedosov y el Sr. Lyubishin planeaban pasar de contrabando a la República Popular Democrática de Corea cinco estabilizadores horizontales y verticales diseñados para los sistemas de información vertical, longitudinal y horizontal principales y de reserva de los sistemas de navegación de aviones de combate, así como otros accesorios para aeronaves militares. El Sr. Lyubishin y su hijo fueron detenidos en Hungría en noviembre de 2016 a instancias de los Estados Unidos de América y luego extraditados a la Federación de Rusia en agosto de 2018. Los tribunales rusos condenaron al Sr. Lyubishin a un año y cinco meses de prisión, y al Sr. Moskal a tres años y seis meses y a una multa de 500.000 rublos. En respuesta a la consulta del Grupo, la Federación de Rusia respondió (véase el anexo 45) que en septiembre de 2016, el Sr. Pak Zen Un, representante de la empresa norcoreana de comercio exterior Sonkwang, había comprado ilegalmente un lote de piezas de repuesto para aviones MIG-29 a los ciudadanos rusos Vladimir Vyacheslavovich Lyubishin y Konstantin Viktorovich Moskal, con la intención de pasarlos de contrabando a Corea del Norte con ayuda del Sr. Lyubishin; en junio de 2017, el Departamento de Investigación del Servicio Federal de Seguridad de la Federación de Rusia había iniciado un proceso penal contra el Sr. Lyubishin por intento de contrabando de equipo militar a la República Popular Democrática de Corea; el Sr. Lyubishin se declaró culpable y prestó testimonio incriminando al Sr. Pak Zen Un de la organización del envío ilegal de equipo militar de fabricación rusa al extranjero. Hungría también respondió a la consulta del Grupo (véase el anexo 46).

Somalia

93. Según el informe final del Grupo de Expertos sobre Somalia de 28 de septiembre de 2020 (S/2020/949), el 17 de febrero de 2020 Al-Shabaab disparó cuatro proyectiles de mortero de 60 mm contra el recinto de las Naciones Unidas en el Aeropuerto Internacional Aden Adde. Al analizar las aletas de la cola, el Grupo observó que se habían utilizado morteros de múltiples fabricantes y que las características de uno de los proyectiles coincidían con las de las municiones de mortero de 60 mm HE tipo 63 fabricadas en la República Popular Democrática de Corea. El Grupo, que sigue pidiendo aclaraciones a Somalia, aún no ha recibido respuesta.

República Bolivariana de Venezuela

94. El Grupo de Expertos establecido en virtud de la resolución 1874 (2009) siguió investigando posibles medidas de cooperación militar y tecnológica entre la República Bolivariana de Venezuela y la República Popular Democrática de Corea. Según una información publicada en medios de comunicación, durante la visita a la República Popular Democrática de Corea que hizo en septiembre de 2019, el Presidente de la Asamblea Nacional Constituyente de la República Bolivariana de Venezuela firmó varios acuerdos para el establecimiento de relaciones de cooperación

militar y tecnológica[84]. En respuesta a la consulta del Grupo, la República Bolivariana de Venezuela expresó suma preocupación por que el Grupo de Expertos hubiera decidido iniciar una investigación oficial a partir de una información publicada en medios de comunicación, es decir, de una sola fuente, sobre todo teniendo en cuenta que no había ni un solo acuerdo de cooperación militar y tecnológica entre la República Bolivariana de Venezuela y la República Popular Democrática de Corea (véase el anexo 47). El Grupo de Expertos sigue pidiendo aclaraciones a la República Bolivariana de Venezuela, pero aún no ha recibido respuesta.

Yemen

95. El Grupo siguió investigando dos casos relativos al Yemen. El primero tiene que ver con un proyecto de cooperación yemení con el sector de la defensa de la República Popular Democrática de Corea y el segundo con un proyecto de suministro de equipo militar de la República Popular Democrática de Corea[85]. Respecto del primer caso, el Yemen respondió que Zakaria Yahya Al-Shami era un miembro de la milicia huzí y no representaba al Gobierno del Yemen en ninguna capacidad, por lo que sus acciones e intentos de establecer relaciones de cooperación militar con la República Popular Democrática de Corea infringían de forma evidente las resoluciones pertinentes del Consejo de Seguridad. Respecto del segundo caso, el Yemen respondió que la embajada de la milicia huzí en Damasco y el Sr. al-Qanis no representaban al Gobierno de la República del Yemen. Además, las acciones del Sr. al-Qanis, en particular la firma de un protocolo con un traficante de armas sirio llamado Hussein al-Ali para importar equipo militar al Yemen, infringían de forma evidente las resoluciones pertinentes del Consejo de Seguridad (véase el anexo 48).

96. El Grupo siguió investigando varios casos denunciados anteriormente relativos a la República Democrática del Congo, Eritrea y Myanmar (véase el anexo 49).

Contrabando de dinero en efectivo y oro

97. En cuanto a los iraníes presuntamente implicados en actividades de contrabando de oro y dinero en efectivo organizadas por la República Popular Democrática de Corea[86], los Emiratos Árabes Unidos declararon en 2020 que esas personas residían en Dubái (Emiratos Árabes Unidos). Un Estado Miembro señaló que los ciudadanos de la República Popular Democrática de Corea implicados en esas actividades de contrabando viajaban a menudo con Emirates Airlines. El Grupo ha solicitado información a dicha aerolínea, pero aún no ha recibido una respuesta sustantiva (véase el anexo 51).

Textiles y obras de arte

98. El Grupo investigó posibles incumplimientos de las medidas de embargo y congelación de activos dispuestas en las resoluciones pertinentes. Había agencias de viajes que anunciaban visitas al estudio de arte Mansudae y productos prohibidos. Se denunciaron transferencias de obras de arte para exponerlas en dicho estudio. El estudio de arte Paekho participó en la construcción de estatuas en el extranjero (véase el anexo 52).

[84] Véase S/2020/151, párr. 112.
[85] *Ibid.*, párr. 113.
[86] S/2020/840 y S/2020/840/Corr.1, párr. 78 y anexo 30.

Textiles

99. La empresa Chugai Travel Co. Ltd.[87], que anunciaba prendas de vestir coreanas para turistas extranjeros en Pyongyang, declaró que era la agencia general japonesa de Air Koryo[88] y la Korean International Travel Company. El Grupo aún no ha recibido una respuesta sustantiva de Chugai (véase el anexo 53).

Obras de arte y un artista que trabaja en el extranjero

100. Young Pioneer Tours, que anunciaba visitas al estudio de arte Mansudae, indicaba en su sitio web que en ellas los turistas podían comprar obras de arte y enviarlas al extranjero. En respuesta a las preguntas del Grupo de Expertos, dijo que los responsables de la empresa no habían reparado en el contenido publicado en la web en 2020 y que había organizado las visitas por conducto de la Korean International Travel Company (véase el párr. 99)[89]. También señaló que, aunque se habían organizado unas 40 visitas entre 2017 y enero de 2020, no le constaba ninguna compra de obras de arte (véase el anexo 54).

101. Koryo Studio, que en su sitio web vende obras de arte encargadas a artistas de la República Popular Democrática de Corea y obras de un artista de Mansudae, respondió al Grupo que los óleos vendidos habían sido pintados antes de 2009 y que había trabajado con el artista de animación que vivía en la República Popular China (un empleado de uno de los estudios de animación de Pyongyang sin ninguna relación con el estudio de arte Mansudae). El Grupo de Expertos solicitó más información sobre ese ciudadano norcoreano que percibía ingresos en el extranjero (véase el anexo 55).

Obras del estudio de arte de Mansudae

102. Se informa de que en 2019 y 2020 el Instituto de Educación para la Unificación, un órgano subsidiario del Ministerio de Unificación, y K Mecenat Network organizaron en la República de Corea exposiciones en las que se mostraron obras de artistas del estudio de arte Mansudae[90].El Grupo recibió respuestas a sus consultas (véase el anexo 56).

103. Al parecer, en una exposición celebrada en 2019 en la Asamblea Nacional de la República de Corea que copatrocinaron el Comité de Cultura, Deportes y Turismo de la Asamblea, el comité organizador de One Korea Global Campaign[91] y la Asociación Coreana de Bellas Artes[92], se exhibieron obras de Kim Cheong Hee, directora de la división de artesanía del estudio de arte Mansudae. La obra de esta artista también había sido exhibida en una exposición organizada en 2018 en la República de Corea con el patrocinio de, entre otros, la Asociación Coreana de Bellas Artes y el comité organizador de One Korea Global Campaign. La respuesta de esa asociación se reproduce en el anexo 56.

Estatuas

104. De 2018 hasta finales de 2019 como mínimo, la empresa Congo Aconde SARL participó en proyectos de construcción de varias estatuas en las provincias de Lualaba y Alto Lomami (República Democrática del Congo). El Grupo dedujo de la información recibida que se trataba de una empresa pantalla de la compañía estatal Korea Paekho Trading Corporation, que exporta obras de arte como las estatuas

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[87] En japonés: 中外旅行社.
[88] Véase S/2017/150, párrs. 148 a 151.
[89] En la respuesta se facilitó el siguiente número de teléfono: +850-218-111, ext. 8375.
[90] En coreano: K-메세나네트워크.
[91] En coreano: 원케이글로벌캠페인 조직위원회.
[92] En coreano: 한국미술협회.

creadas por el estudio artístico Paekho (véanse los párrs. 133, 147 y 149 y el anexo 57).

Recomendaciones

105. **El Grupo de Expertos recomienda a los Estados Miembros que inspeccionen meticulosamente los cargamentos, incluidos los equipajes de personas que viajen desde la República Popular Democrática de Corea o con destino a ella, conforme a lo dispuesto en el párrafo 13 de la resolución 2321 (2016) y en el párrafo 18 de la resolución 2270 (2016)**.

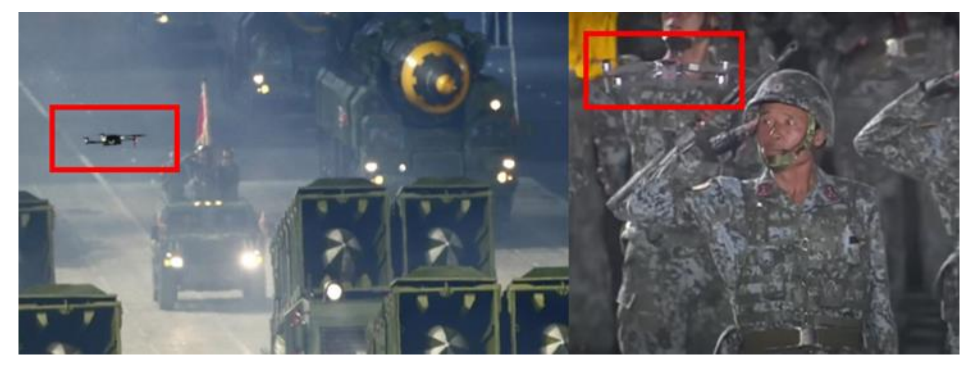
106. **El Grupo recomienda a los Estados Miembros que controlen la transferencia de obras de arte de las entidades designadas para cumplir las disposiciones de congelación de activos contempladas en las resoluciones pertinentes**.

107. **El Grupo recomienda la designación de la empresa Korea Paekho Trading Corporation y el estudio de arte Paekho**.

Aeronaves pilotadas a distancia

108. El Grupo investigó el envío de aeronaves pilotadas a distancia[93] a la República Popular Democrática de Corea, que se exhibieron en el desfile militar realizado en Pyongyang el 10 de octubre de 2020, por vulneración de la resolución 2397 (2017). Se constató que se trataba de dispositivos del tipo Mavic 2 Pro, fabricados por SZ DJI Technology Co. Ltd.[94] en 2018 o con posterioridad. La empresa aún no ha respondido a la consulta del Grupo.

Figura 25
Aeronaves pilotadas a distancia Mavic 2 Pro observadas durante el desfile militar del 10 de octubre de 2020



Fuente: Rodong Sinmun y YouTube, con anotaciones del Grupo de Expertos.

Uso indebido de propiedades de la embajada

Rumania

109. El Grupo solicitó a Rumania información actualizada adicional sobre el arrendamiento de la propiedad de la Embajada de la República Popular Democrática

[93] El código del Sistema Armonizado para las aeronaves pilotadas a distancia es el 85. Véase S/2020/151.

[94] www.nknews.org/pro/north-korea-likely-violated-sanctions-with-military-parade-drone-from-china.

de Corea a IMA Partners SRL[95]. Rumania respondió que uno de los dos edificios sitos en el 28-36 de Soseaua Nordului, primer distrito de Bucarest, en el recinto de la Embajada de la República Popular Democrática de Corea, seguía siendo utilizado por IMA Partners SRL, aunque el contrato de arrendamiento entre ambas entidades había expirado el 10 de noviembre de 2017. Por otra parte, 44 personas jurídicas o físicas celebraron un contrato de subarrendamiento con IMA Partners SRL, que entre el 1 de enero de 2018 y el 30 de junio de 2020 IMA cobró alquileres por el equivalente de 653.700 dólares (véase el anexo 58). Sin embargo, Rumanía aseguró al Grupo que no se había registrado ninguna transacción, ni en efectivo ni por transferencia bancaria, entre IMA y la Embajada de la República Popular Democrática de Corea durante el período señalado.

Bulgaria

110. El Grupo de Expertos preguntó a Bulgaria por los datos que apuntaban a que la empresa búlgara Terra Group seguía anunciando el alquiler de Terra Residence, que al parecer era la antigua residencia del Embajador de la República Popular Democrática de Corea (sita en la calle Andrei Sakharov 56, barrio de Mladost 1, 1784 Sofía), y a que en esa dirección se anunciaba el alquiler de una empresa llamada Lora Catering[96]. Bulgaria solicitó más tiempo para investigar el asunto[97] debido a la pandemia de COVID-19. No se ha recibido más información al respecto.

Aplicación de la prohibición relativa a los artículos de lujo

111. Las autoridades restringieron la compra de bienes de consumo en el extranjero[98], por lo que en 2020 la importación de artículos de lujo (prohibidos en virtud de lo dispuesto en el apartado 8 a) iii) de la resolución 1718 (2006)) se redujo a casos esporádicos. También el contrabando de particulares desapareció prácticamente.

112. El Grupo siguió investigando casos anteriores de importación de automóviles de lujo y también recibió información de intentos recientes de entregar nuevos vehículos de lujo de fabricación alemana o japonesa en el país.

Mercedes-Benz

113. El Grupo de Expertos siguió investigando la importación ilegal a la República Popular Democrática de Corea de dos vehículos Mercedes-Benz Clase S 600 Sedan Long Guard VR9[99] que habían sido vendidos en Hong Kong a la empresa LS Logistica & Spedizioni SRL por European Cars & More SRL, según confirmó un Estado Miembro, y habían sido transportados de Italia a los Países Bajos, donde dos empresas locales se encargaron de las cuestiones logísticas para su posterior exportación desde Rotterdam. European Cars & More SRL cooperó con el Grupo de Expertos y, en su respuesta del 20 de octubre de 2020 y correspondencia previa, informó con detalle de que ya antes había vendido a la misma empresa otros vehículos de lujo (Mercedes S600 Guard, S650 Maybach y S600 Pullman) (véase el anexo 60).

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[95] El Grupo de Expertos ya había investigado el caso (véase S/2020/840 y S/2020/840/Corr.1, párr. 85).

[96] Véase www.terraresidence.com y www.evepla.com/BG/Sofia/100084117957/Lora-Catering (páginas consultadas el 30 de diciembre de 2020).

[97] El Grupo de Expertos ya había investigado el caso (véase S/2020/840 y S/2020/840/Corr.1, párr. 86).

[98] Según parece, las autoridades de la República Popular Democrática de Corea decidieron en abril de 2020 limitar las importaciones de “bienes no esenciales”, entre ellos muchos productos alimenticios, textiles y electrónicos (Jeong Tae Joo, “N. Korea announces all ‘trivial’ imports restricted until end of the year”, *Daily NK*, 23 de abril de 2020).

[99] Véase S/2020/840 y S/2020/840/Corr.1, párr. 92.

114. Como se ignora quienes son los usuarios finales, al Grupo le preocupa que los vehículos mencionados en el anexo 60 hayan ido a parar a la República Popular Democrática de Corea, donde muchos dirigentes han sido vistos recientemente con vehículos similares (véase, por ejemplo, el anexo 61). El Grupo ha seguido intentando ponerse en contacto con LS Logistica & Spedizioni SRL para recabar información, pero no ha recibido respuesta, y también ha solicitado más información y documentación a European Cars & More SRL. La investigación continúa.

Toyota

115. El Grupo de Expertos consiguió nuevas pruebas de que en la República Popular Democrática de Corea se utilizaban vehículos Lexus[100]; así hacía, entre otros, el dirigente del país, que había sido visto en agosto de 2020 con uno de ellos durante una inspección *in situ* en la provincia de Hwanghae del Norte (véase el anexo 62). El fabricante informó al Grupo de que el vehículo en cuestión era un Lexus LX 570 con motor de gasolina y volante a la izquierda, un modelo que Toyota llevaba fabricando desde julio de 2017 en su planta de Yoshiwara (Japón) y que se exportaba principalmente a los Estados Unidos, China y el Canadá. Con todo, Toyota no pudo indicar en qué mercado se había vendido el Lexus LX 570 en cuestión.

Alcohol y otros artículos de lujo

116. Según la información de que dispone el Grupo de Expertos, los envíos de bebidas alcohólicas a la República Popular Democrática de Corea fueron irregulares y disminuyeron debido a las restricciones asociadas a la COVID-19.

117. Singapur informó al Grupo de Expertos de que el 31 de enero de 2020 sus autoridades se habían incautado de un cargamento de vino que estaba siendo transbordado. Según constaba en la documentación, la empresa proveedora era Sangmyong General Trading Corporation, que el Grupo ya había señalado (en 2012-2013) por infringir la prohibición de importar artículos de lujo desde el Japón[101]. El 25 de agosto, amparándose en una ley nacional, un tribunal de Singapur dictó una orden de confiscación para que el cargamento se pusiera a disposición de las autoridades aduaneras (véase la figura 26).

[100] Respecto de los resultados de la investigación anterior, véase S/2020/840 y S/2020/840/Corr.1, párr. 93.
[101] Véase S/2012/422, párr. 79.

Figura 26
Orden de un tribunal de Singapur

To the Officer of Singapore Customs:

Order in Terms

The Seized Goods be dealt with as the Director-General of Singapore Customs thinks fit, and in such a case the Director-General may direct that the Seized Goods be destroyed or otherwise dealt with.

The Seized Goods are:

(a) 1158 cases x 4 boxes x 3 litres of Dry Red Wine;
(b) 50 cases x 12 packets x 1 litre of Orange Juice;
(c) 25 cases x 12 packets x 1 litre of Summer Pine Juice;
(d) 25 cases x 12 packets x 1 litre of Medly of Fruit Juice;
(e) 49 cases x 12 packets x 1 litre of Mango Juice; and
(f) 25 cases x 12 packets x 1 litre of Secrets of the Valley Juice.

THE SEAL OF THE STATE COURTS SINGAPORE [SEAL]

Fuente: Grupo de Expertos.

118. Singapur informó al Grupo de Expertos de que Lim Cheng Hwee, Director de SINSMS Pte Ltd. (empresa ya investigada por el Grupo), había sido condenado a dos meses de prisión por suministrar ilícitamente bebidas alcohólicas a la República Popular Democrática de Corea entre 2013 y 2018[102] por un total de 562.082 dólares; también se impuso una multa a su esposa, Leng Ooi, y la empresa fue sancionada con el pago de 30.000 dólares singapurenses (véase el anexo 64).

119. El Grupo de Expertos tuvo conocimiento de un problema relativo a la admisibilidad de las exportaciones de material deportivo, concretamente la posibilidad de establecer códigos del Sistema Armonizado para lo que se considera “material deportivo de recreo”. El Grupo estima que, en general, corresponde a la legislación nacional determinar los “artículos de lujo” no específicamente recogidos en la lista de sanciones.

120. A este respecto, el Grupo recuerda que el Comité, en el párrafo 4 iv) de su nota orientativa núm. 3 para la aplicación de resoluciones, publicada en 2011 y actualizada el 20 de enero de 2017, señala que “deberían tomarse precauciones para no restringir el suministro de artículos de uso civil corrientes a la población en general de la República Popular Democrática de Corea ni causar problemas humanitarios en el país”.

Recomendación

121. **El Grupo recomienda a los Estados Miembros que mejoren sus listas de control de las exportaciones especificando los bienes de lujo prohibidos conforme a los objetivos de las resoluciones 1718 (2006), 1874 (2009), 2094 (2013), 2270 (2016) y 2321 (2016), pero sin caer en ampliaciones innecesarias y cuidando de no restringir el suministro de bienes ordinarios de uso civil a la población ni provocar efectos humanitarios negativos**.

[102] Chad O’Carroll, “Singaporean company director jailed for selling alcohol to North Korea”, *NK News*, 14 de diciembre de 2020. Puede consultarse en la página www.nknews.org/2020/12/singaporean-company-director-jailed-for-selling-alcohol-to-north-korea.

122. **El Grupo reitera su recomendación de que los Estados Miembros alienten a las entidades y los ciudadanos de su territorio que exporten artículos de lujo a incorporar en los contratos cláusulas que impidan la reventa de esos artículos a la República Popular Democrática de Corea**.

123. **El Grupo reitera su recomendación de que los Estados Miembros y las organizaciones competentes alienten a las empresas de expedición y transporte marítimo a establecer un sistema de control riguroso de los consignatarios que tenga en cuenta el riesgo de transbordo**.

Departamento de la Industria de las Municiones (*Munitions Industry Department*, KPe.028)

124. El Grupo siguió investigando las actividades de Ma Tong Hyok[103], ciudadano y presunto alto responsable informático de la República Popular Democrática de Corea asentado en Dalián que participa directamente en el envío a China de informáticos norcoreanos adscritos al Departamento de la Industria de las Municiones, que es una entidad designada[104]. El Grupo de Expertos solicitó información a Dalian Runguang Science and Technology Co., Ltd.[105], empresa que con pleno conocimiento de causa, según información de un Estado Miembro, colaboraba con Ma y otros informáticos norcoreanos y blanqueaba dinero en nombre del país. El Grupo aún no ha recibido respuesta de la empresa.

Oficina General de Reconocimiento (*Reconnaisance General Bureau*, KPe.031)

125. El Grupo siguió investigando los ciberataques perpetrados por agentes de la República Popular Democrática de Corea adscritos a la Oficina General de Reconocimiento, como Lazarus y Kimsuky. En 2020 se hizo patente que los agentes informáticos norcoreanos estaban llevando a cabo ataques contra los sectores de defensa de distintos países[106].

126. El Grupo buscó más información de dominio público sobre ciberataques contra el sector de la defensa de Israel. Una empresa de ciberseguridad consideraba que ese tipo de ataque había sido la principal campaña ofensiva del grupo Lazarus en 2020 y que Lazarus colaboraba con decenas de investigadores y profesionales de la inteligencia para que la campaña tuviera alcance mundial[107]. Al parecer, los atacantes no solo trataban de acceder ilegalmente a la tecnología militar[108], sino también de extraer información que pudiera utilizarse para obtener beneficios económicos. Los atacantes abordaban primero a determinados empleados en un popular medio social orientado a los negocios[109] utilizando cuentas falsas en las que se hacían pasar por

[103] Según el Estado Miembro, el Sr. Ma se encontraba en China a finales de enero de 2020 con los equipos de informáticos de la República Popular Democrática de Corea a su cargo.

[104] Véase S/2020/840 y S/2020/840/Corr.1, párr. 110.

[105] En chino: 大连润光科技有限公司.

[106] Tres Estados Miembros expresaron opiniones similares en público o ante el Grupo. El Panel ya informó de ataques similares en el documento S/2020/840 y S/2020/840/Corr.1, párr. 117.

[107] Véase www.clearskysec.com/wp-content/uploads/2020/08/Dream-Job-Campaign.pdf. El Grupo observa que los medios de comunicación han informado de ciberataques similares contra empresas de defensa europeas.

[108] Los Estados Unidos también analizaron los programas maliciosos utilizados por ciberagentes de la República Popular Democrática de Corea y señalaron que con ellos se pretendía obtener información sobre tecnologías militares y energéticas clave. Véase https://us-cert.cisa.gov/ncas/analysis-reports/ar20-232a.

[109] Otras empresas de ciberseguridad también informaron de actividades similares de ciberagentes de la República Popular Democrática de Corea a lo largo de 2020. Véase www.mcafee.com/blogs/other-blogs/mcafee-labs/operation-north-star-a-job-offer-thats-too-good-to-be-true.

responsables de recursos humanos de importantes empresas de defensa y el sector aeroespacial, y después se comunicaban con ellos por teléfono o mensajes directos de texto a fin de reforzar su credibilidad y poder enviarles archivos adjuntos de correo electrónico con programas informáticos maliciosos. La empresa de ciberseguridad estimaba que los ataques habían infectado a decenas de empresas y organizaciones y permitido acceder ilegalmente a datos clasificados, aunque no se había informado públicamente de la magnitud exacta de los daños. El Grupo solicitó más información a Israel[110]. Sigue investigándose.

127. En agosto de 2020, los Estados Unidos detectaron un nuevo grupo de ciberdelincuentes denominado BeagleBoyz, adscrito a la Oficina General de Reconocimiento y probablemente activo desde 2014, al que en una alerta pública sobre amenazas de ciberseguridad le atribuyeron el atraco al Banco de Bangladesh en 2016[111]. Al parecer, BeagleBoyz había intentado robar cerca de 2.000 millones de dólares desde al menos 2015 mediante el plan "FASTCash" de retirada de efectivo en cajeros automáticos y ataques contra terminales de la Sociedad para las Telecomunicaciones Financieras Interbancarias Internacionales (SWIFT) y los servidores que alojan los sistemas de pago de entidades financieras. Este grupo también atacó plataformas de cambio de criptomonedas a las que accedió a distancia por medios ilícitos como el envío de correos electrónicos de suplantación de identidad solicitando empleo. El Grupo observa que los ciberataques contra instituciones financieras y bolsas de criptomonedas expuestos en el documento S/2019/691 (párrs. 57 a 68 y anexo 21) se corresponden con las actividades de los BeagleBoyz y señala asimismo que el presunto cabecilla de las retiradas ilegales de cajeros automáticos en 2016 mediante credenciales pirateadas de un banco sudafricano huyó del Japón a la República Popular Democrática de Corea inmediatamente después del ataque. La respuesta del Japón se reproduce en el anexo 66.

128. Siguieron registrándose ciberataques contra miembros del Grupo y el Comité[112]. En octubre de 2020, un experto del Grupo recibió un correo electrónico de un falso remitente de las Naciones Unidas con un enlace malicioso (véase la figura 27). El experto detectó de forma independiente que la dirección IP con la que se había enviado el correo electrónico había sido utilizada anteriormente por Kimsuky (también conocido como Thallium) y Konni, otro grupo de ciberdelincuentes muy vinculado a la República Popular Democrática de Corea[113].

[110] El Gobierno declaró públicamente que había frustrado ataques de Lazarus. Véase https://mfa.gov.il/MFA/ForeignPolicy/Pages/Defense-Establishment-thwarts-cyber-attack-targeting-defense-industries-12-August-2020.aspx.

[111] Véase https://us-cert.cisa.gov/ncas/alerts/aa20-239a.

[112] El Grupo confirmó que un delegado de un Estado miembro del Consejo de Seguridad había recibido el mismo correo electrónico de phishing que los expertos del Grupo en 2020 (véase S/2020/840 y S/2020/840/Corr.1, párr. 120).

[113] Varias empresas de ciberseguridad señalan el alto grado de similitud entre Konni y otros grupos de ciberdelincuentes de la República Popular Democrática de Corea, como Kimsuky y APT37. Un Estado Miembro también aportó al Grupo información sobre actividades de Konni como agente generador de amenazas de la República Popular Democrática de Corea. En la página siguiente hay información pública al respecto: https://blog.talosintelligence.com/2017/05/konni-malware-under-radar-for-years.html, https://blog.alyac.co.kr/3390, https://unit42.paloaltonetworks.com/unit42-new-konni-malware-attacking-eurasia-southeast-asia y https://unit42.paloaltonetworks.com/unit42-nokki-almost-ties-the-knot-with-dogcall-reaper-group-uses-new-malware-to-deploy-rat.

Figura 27
Correo electrónico de *phishing* enviado a un experto del Grupo en octubre de 2020



Fuente: Grupo de Expertos.

129. El Grupo reitera su opinión de que, habida cuenta de su persistencia y su naturaleza sumamente disruptiva, los ciberataques pasados y presentes contra órganos encargados de supervisar la aplicación de las sanciones de las Naciones Unidas, como el Comité y el Grupo, constituyen un medio de eludir esas sanciones.

Nacionales de la República Popular Democrática de Corea que obtienen ingresos en el extranjero

130. El Grupo de Expertos siguió investigando a nacionales de la República Popular Democrática de Corea que obtenían ingresos en el extranjero. Varios Estados Miembros le informaron de que muchas de esas personas seguían trabajando en los sectores de la construcción, el arte, la salud, el deporte, la restauración y la tecnología de la información, y utilizaban, entre otros medios de entrada, visados de turista o estudiante. Un Estado Miembro indicó al Grupo que los cierres de fronteras provocados por la COVID-19 habían facilitado la permanencia de ciudadanos de la República Popular Democrática de Corea en terceros países. El Grupo observa que las leyes nacionales de varios países permiten a los ciudadanos norcoreanos obtener ingresos en determinadas circunstancias. El Grupo investigó casos nuevos y ya señalados[114].

Futbolistas

131. Qatar informó al Grupo de Expertos de la rescisión del contrato de Han Kwang Son y de su salida de Qatar en enero de 2021[115]. Desde 2017, varios futbolistas contratados en equipos japoneses han fichado por equipos de la República Popular Democrática de Corea. Uno de ellos fue transferido a un equipo de la República de Corea en 2019. En el anexo 67 se presentan respuestas de los Estados Miembros.

[114] S/2020/840 y S/2020/840/Corr. 1, párrs. 126 a 138.
[115] *Ibid.*, párr. 126.

Profesionales sanitarios

132. Nigeria informó sobre un acuerdo bilateral en el ámbito de la salud y la medicina con la República Popular Democrática de Corea y sobre los trabajadores norcoreanos, empleados principalmente en centros médicos, que tenía previsto deportar (véase el anexo 68).

Trabajadores de la construcción

República Democrática del Congo

133. Según la documentación en poder del Grupo, Pak Hwa Song, Hwang Kil Su y los trabajadores de Congo Aconde SARL podrían ser repatriados, ya que obtienen ingresos en el extranjero (véanse los párrs. 104, 147 y 149).

Senegal

134. El Grupo de Expertos siguió investigando a trabajadores de la construcción vinculados a Corman Construction & Commerce SUARL[116]. Según los registros financieros internos, esa empresa remitía ingresos a la Embajada de la República Popular Democrática de Corea (véase el anexo 69; véanse también los párrs. 143 a 146).

Trabajadores de hostelería y restauración

135. Un Estado Miembro indicó que en 2020 había nacionales de la República Popular Democrática de Corea trabajando en restaurantes y hoteles en el extranjero[117].

Salida a un país tercero

136. Georgia respondió al Grupo de Expertos que en el territorio que estaba bajo su control no había nacionales de la República Popular Democrática de Corea y que no tenía información sobre la salida de trabajadores norcoreanos de la Federación de Rusia a Abjasia (véase el anexo 71)[118].

Recomendación

137. **El Grupo recomienda a los Estados Miembros que sigan controlando los visados y permisos de residencia de los nacionales de la República Popular Democrática de Corea para evitar que se eludan obligaciones establecidas en las resoluciones**.

V. Finanzas

138. A partir de la información facilitada por Estados Miembros, datos recabados por sus propios medios e informes de fuentes públicas, el Grupo considera que la República Popular Democrática de Corea sigue teniendo acceso a los sistemas financieros internacionales a través de empresas conjuntas, cuentas en el extranjero, empresas ficticias, proveedores de servicios de activos virtuales (como las criptomonedas) y representaciones bancarias en el extranjero. Los ingresos ilícitos por actividades que eluden las sanciones, que son blanqueados a través de esas redes, sirven directa e indirectamente para financiar los programas de armas de destrucción

[116] Véase S/2020/151, párr. 144.

[117] El Grupo investigó a ciudadanos de la República Popular Democrática de Corea que trabajaban en el restaurante del Magnolias Pattaya Boutique (4/6 M.9 Maprachan Reservoir, Tambon Pong, Amphoe Banglamung, Chonburi, Tailandia). La respuesta de Tailandia figura en el anexo 70.

[118] Véase S/2020/151.

masiva y misiles balísticos del país. Los métodos y técnicas de ocultación de esas redes siguieron aprovechando el hecho de que algunos Estados Miembros tuvieran controles, normas y reglamentos financieros laxos o mínimos.

139. En consonancia con sus informes anteriores, el Grupo sigue observando e investigando a personas y empresas vinculadas a la República Popular Democrática de Corea que, para facilitar las actividades que eluden las sanciones por transporte marítimo, importación de artículos de lujo, mano de obra ilícita y blanqueo de ingresos derivados del robo de activos virtuales, recurren principalmente a instituciones financieras de China[119]. Además, hay proveedores de servicios corporativos que siguen facilitando esas actividades a sabiendas o de manera involuntaria.

Representaciones bancarias en el extranjero

140. El Grupo siguió investigando las representaciones bancarias en el extranjero. Según acciones judiciales de un Estado Miembro de febrero de 2020, Han Jang Su[120] siguió controlando cuentas bancarias en la Federación de Rusia después de que este país informara al Grupo de Expertos de que había adoptado todas las medidas previstas en su legislación nacional para aplicar a esa persona las resoluciones pertinentes del Consejo de Seguridad (véase el anexo 72). En ese mismo expediente judicial se indica que los representantes del Banco de Comercio Exterior de la República Popular Democrática de Corea siguieron utilizando o controlando cuentas domiciliadas en China después de que este país notificara al Grupo que en 2016, en aplicación de las disposiciones correspondientes de las resoluciones, se habían cerrado todas las oficinas de representación de instituciones financieras norcoreanas en China y todas las personas que trabajaban en ellas habían abandonado el país (véase el anexo 72). El Grupo sigue investigando esas contradicciones.

141. Por su parte, un Estado Miembro señaló que el Banco de Comercio Exterior facilitaba desde 2017, a través de una empresa pantalla, la venta y exportación de instrumentos musicales a una empresa de la Federación de Rusia[121]. Ese mismo Estado comunicó al Grupo que, en agosto de 2019, Korea Ungum Corporation[122], presunta empresa pantalla del banco, y Unha Daesong Trading Company, una de sus filiales, suscribieron contratos de adquisición de instrumentos musicales y piezas por valor de 2 millones de dólares a través del representante de la presunta empresa pantalla del banco, que también había actuado como representante del Banco en Jabárovsk (Federación de Rusia) (véase en el anexo 73 la lista de bancos y números de cuenta de Ungum y Unha Daesong)[123].

Actividades ilícitas de generación de ingresos y gestión bancaria en países de África Subsahariana

142. El Grupo constató una importante actividad financiera relacionada con las redes de trabajo ilícito que operaban en países de África Subsahariana. Aunque sigue investigando esos casos, los datos apuntan a que entidades vinculadas a Mansudae Overseas Project Group of Companies (KPe.050) y Korea Paekho Trading

[119] Dos de los expertos opinan que esta información debe confirmarse.

[120] Véanse S/2020/151, párr. 177, y S/2019/171, párr. 125.

[121] El Grupo no considera que exportar instrumentos musicales incumpla las sanciones, sino que investiga el asunto como una posible infracción de lo dispuesto en el párrafo 33 de la resolución 2270 (2016) y posiblemente otras resoluciones del Consejo de Seguridad.

[122] Según el Estado Miembro, la empresa Korea Ungum Corporation también se conoce como TS Ungum Corporation, Korea Yngum Corporation y Korea Ungum Company.

[123] Dos expertos estimaron que no se disponía de pruebas o datos de investigación de los que se desprendiera que ambas eran empresas pantalla del Banco de Comercio Exterior.

Corporation, otra entidad de la República Popular Democrática de Corea, han facilitado el trabajo ilícito y el acceso a los sistemas financieros internacionales[124]. En varios casos, esas empresas se centraron específicamente en préstamos y subsidios para el desarrollo, así como en inversiones extranjeras directas en proyectos municipales.

Senegal

143. En septiembre de 2019, el Grupo empezó a investigar noticias de prensa[125] sobre entidades presuntamente vinculadas a Mansudae Overseas Project Group of Companies que seguían operando en el Senegal. El Grupo considera que Corman Construction es una empresa pantalla de dicho grupo que sigue generando ingresos a la República Popular Democrática de Corea, lo que infringe lo dispuesto en el párrafo 18 de la resolución 2375 (2017), el párrafo 8 de la resolución 2397 (2017) y el párrafo 8 d) de la resolución 1718 (2006).

144. Además, aunque el Senegal presentó el 21 de diciembre de 2017 al Comité un informe nacional sobre la aplicación (S/AC.49/2018/1) en el que afirmaba que las autoridades del país habían tomado las medidas oportunas contra Mansudae Overseas Project Architectural Group, empresa domiciliada en su territorio, y se habían negado a expedir visados de entrada y corta duración o a renovar los que había concedido antes a trabajadores norcoreanos, el Grupo observa que los gerentes, directores y empleados de la empresa seguían operando en el Senegal. El Grupo destaca asimismo que, en una carta de fecha 29 de octubre de 2019, había comunicado al Senegal que la empresa había pasado a denominarse Corman Construction Commerce[126] y añade por último que varias empresas senegalesas que suscribieron contratos con Corman Construction eran conscientes de su relación con Mansudae Overseas Project Architectural Group.

145. El 21 de diciembre de 2017, la Misión Permanente del Senegal informó a la Presidencia del Comité de que las autoridades nacionales competentes habían tomado medidas contra dicha empresa norcoreana y de que el Gobierno del Senegal se había negado sistemáticamente a expedir visados de entrada y de corta duración o a renovar los visados anteriores de los norcoreanos que trabajaban en ella, por lo que la empresa no podía seguir desarrollando sus actividades[127].

146. Según la documentación de que dispone el Grupo de Expertos, Corman Construction se registró como empresa senegalesa el 22 de junio de 2017 (véase el anexo 74), aproximadamente seis meses antes de que el Senegal notificara al Grupo que había adoptado medidas contra Mansudae Overseas Project Architectural Group. Al analizar los contratos y los registros financieros que llegaron a su conocimiento, el Grupo consideró evidente que Choe Song Chol e Im Song Sun, ciudadanos norcoreanos cuyos vínculos con la empresa eran conocidos, seguían gestionando varios proyectos de construcción en Dakar y percibiendo pagos por contratos adjudicados tanto a Mansudae Overseas Project Architectural Group como a Corman Construction. Esos contratos comprendían proyectos de construcción para las empresas SCI Adja Seneba (véase el anexo 75) y Patisen (véase el anexo 76) y el

[124] El 5 de agosto de 2017, el Consejo de Seguridad designó a Mansudae Overseas Project Group of Companies (KPe.050) (véase la resolución 2371 (2017), anexo II).

[125] Véase: Ham Ji-ha y Kim Seon-myung, “Despite UN sanctions, North Koreans at work in Senegal”, *Voice of America*, 24 de septiembre de 2019, publicado en www.voanews.com/africa/despite-un-sanctions-north-koreans-work-senegal.

[126] En su informe final de marzo de 2020, el Grupo de Expertos indicó que se estaba investigando a Mansudae Overseas Project Group of Companies in Senegal-SUARL y señaló a varias personas relacionadas con la empresa (véase S/2020/151, párr. 144).

[127] Véase S/AC.49/2018/1, anexo.

proyecto Diamniadio Lake City (véase el anexo 77). El Grupo de Expertos también observa que Corman Construction tiene y puede seguir manteniendo cuentas financieras en el Banque Atlantique y el Banque Sahelo-Saharienne (véase el anexo 78). El Grupo aún no ha recibido respuesta del Senegal.

República Democrática del Congo

147. Hacia febrero de 2018, los ciudadanos norcoreanos Pak Hwa Song y Hwang Kil Su (véanse los anexos 79 y 80) registraron la empresa Congo Aconde SARL en Lubumbashi (véase el anexo 81) con el fin de facilitar proyectos de construcción en las provincias de Lualaba, Alto Lomami y Alto Katanga. Se sospecha que algunos de esos proyectos infringen el régimen de sanciones de las Naciones Unidas, en particular lo dispuesto en el párrafo 29 de la resolución 2321 (2016)[128].

148. Poco después de constituir la sociedad Congo Aconde SARL, el Sr. Pak y el Sr. Hwang abrieron cuentas denominadas en dólares de los Estados Unidos en la sucursal de Lubumbashi de un banco con sede en Camerún (véase el anexo 82)[129]. Otras tres personas asociadas a Congo Aconde SARL también abrieron cuentas en el mismo banco: Han Kyong Ho, Ri Yong Gwang y Rim Chol (véase el anexo 83)[130]. Según los datos financieros obtenidos por el Grupo, entre febrero de 2018 y septiembre de 2020, las cuentas de Congo Aconde SARL y sus asociados habían registrado depósitos por unos 407.800 dólares y reintegros por unos 408.145 dólares[131].

149. Según los documentos obtenidos por el Grupo, en febrero de 2019 la ciudad de Lubumbashi adjudicó a Congo Aconde SARL un contrato de servicios de construcción (véase el anexo 85). El 18 de abril de 2019, el Sr. Pak solicitó la liberación de un aval bancario para el contrato adjudicado de la cuenta de Congo Aconde SARL en el Afriland First Bank (véase el anexo 86).

150. Se tiene conocimiento de que el Sr. Hwang Kil Su ha participado en proyectos de construcción en el Camerún, que el Grupo está investigando actualmente. El Grupo también está investigando actividades similares de Korea Paekho Trading Corporation y sus filiales en Rwanda, Nigeria y Ghana.

[128] En noticias de medios locales se informó de que Congo Aconde SARL había construido monumentos en Haut Lomami, que se habían inaugurado en enero de 2019 (véase el anexo 84). En un artículo de prensa se publica la información incorrecta de que esa empresa es surcoreana. Véanse los artículos “Overt affairs: how North Korean businessmen busted sanctions in the Democratic Republic of Congo”, *The Sentry*, agosto de 2020: https://thesentry.org/reports/overt-affairs; y “Artful dodgers: new findings on North Korean sanctions-busting in the Democratic Republic of Congo”, The Sentry, enero de 2021: https://cdn.thesentry.org/wp-content/uploads/2021/01/ArtfulDodgers-TheSentry-January2021.pdf.

[129] En respuesta a la pregunta del Grupo sobre las actividades financieras de Congo Aconde SARL, una institución financiera describió sus procedimientos de diligencia debida, que entrañaban el cotejo de los nombres y números de pasaporte con los indicados en las listas de designación de las Naciones Unidas. La misma institución explicó que los señores Pak Hwa Song y Hwang Kil Su no habían sido designados. También facilitó al Grupo de Expertos documentos que acreditaban que ambas personas se habían comprometido a no utilizar las cuentas en actividades prohibidas como la elusión de sanciones.

[130] Un representante del banco señaló que en septiembre de 2020, tras la publicación del citado informe (véase la nota al pie 129), la entidad clausuró todas las cuentas asociadas a Congo Aconde SARL.

[131] La entidad financiera declaró que las cuentas de la empresa no habían emitido ninguna transferencia de dinero hacia cuentas extranjeras ni recibido transferencias de fondos desde el extranjero.

Empresas conjuntas y entidades cooperativas

Korea Narae Trading Corporation

151. En su informe de mitad de período de 2020, el Grupo señaló los intentos de Korea Narae Trading Corporation y sus representantes, entre ellos Alejandro Cao de Benos, de establecer una empresa conjunta en violación de las resoluciones pertinentes de las Naciones Unidas[132]. La película *The Mole: Undercover in North Korea* retrata a miembros de Korea Friendship Association y Korea Narae Trading Corporation intentando realizar actividades para eludir las sanciones, entre ellas posibles operaciones ilícitas de venta de armas y petróleo (véase el anexo 88). El Grupo sigue investigando las afirmaciones hechas en la película y agradecería la cooperación de su director y sus productores.

Hanne Ulaan LLC

152. En diciembre de 2020, Mongolia aportó al Grupo datos de una investigación interna sobre actividades relacionadas con la elusión de sanciones. Choi Chon Gon, residente y ciudadano de la Federación de Rusia, viajó a Mongolia en enero de 2019 para constituir la empresa Hanne Ulaan LLC y abrir cuentas bancarias. Los documentos de registro de la empresa también se remitieron a una dirección de Moscú que coincide con la de la Embajada de la República Popular Democrática de Corea. Se informó de que entre esos documentos estaban un informe de salarios de la empresa y el recibo de pago de la cuota de afiliación a la Cámara de Comercio e Industria de Mongolia. Al analizar esas actividades financieras, las autoridades del país llegaron a la conclusión provisional de que Hanne Ulaan LLC era una empresa pantalla de la República Popular Democrática de Corea creada para eludir las sanciones. Las autoridades tomaron además medidas contundentes para congelar unos 13.800 dólares de cuentas bancarias vinculadas a Hanne Ulaan LLC y al Sr. Choi (véase el anexo 89).

Korea Surim Trading Corporation

153. Según un Estado Miembro, la República Popular Democrática de Corea sigue estableciendo empresas conjuntas y entidades cooperativas con empresas chinas con el fin de eludir las sanciones. Se presume que una de ellas, Korea Surim Trading Corporation, estableció una empresa conjunta de cría de cerdos y extracción de arena y grava en Sinuiju, a lo largo del río Yalu, con la empresa China Zhejiang Province Qianwan Ecological Environment Co. Ltd. Según el mismo Estado, la empresa Korea Myohyang General Corporation contribuye activamente a facilitar la empresa conjunta. El Grupo ha solicitado información a las entidades implicadas en transacciones conexas (véase el párr. 55 y el anexo 32 b)), pero aún no ha recibido respuesta.

Korea Puhung Trading Company

154. En su informe de mitad de período de 2020, el Grupo de Expertos describió las actividades de Kim Su Il, un agente del Departamento de la Industria de las Municiones que al parecer seguía operando en Viet Nam (véase el anexo 90)[133]. En respuesta a la solicitud de información del Grupo, Viet Nam señaló que el Sr. Kim, que ya no tenía permiso de trabajo y había puesto fin a sus actividades, había abierto una cuenta bancaria en un banco con sede en Viet Nam en 2017 y la había cerrado el 8 de enero

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[132] Véase S/2020/840 y S/2020/840/Corr. 1, párr. 151 y anexo 57.

[133] *Ibid.*, párr. 115. Viet Nam ha respondido al Grupo que no ha encontrado vínculos entre el Sr. Kim y el Departamento de la Industria de las Municiones ni vulneraciones del régimen de sanciones.

de 2018. De 2017 a 2018 se registraron tres transacciones en esa cuenta: el ingreso de una transferencia de 5.000 dólares emitida por la empresa Korea Puhung Trading Company y dos reintegros de efectivo, el 4 de agosto de 2017 y el 8 de enero de 2018 respectivamente, por un total de 5.000 dólares. Viet Nam también informó al Grupo de que Korea Puhung General Trading Corporation había abierto cuentas denominadas en dong vietnamitas y dólares de los Estados Unidos en un banco con sede en Viet Nam el 10 de abril de 2017 que habían sido clausuradas el 21 de julio de 2020.

MCM International Trading Company Limited

155. Al investigar posibles actividades de elusión del régimen de sanciones, el Grupo de Expertos descubrió una empresa conjunta o entidad cooperativa que operaba en Tailandia. Hay constancia de que MCM International Trading Company Limited se dio de alta en el registro mercantil en noviembre de 2015 y de que sigue activa (véase el anexo 91)[134]. Min Myong Chol consta como director de la empresa. El Grupo ha solicitado información adicional a Tailandia.

Ciberactividades contra instituciones financieras

Activos virtuales y proveedores de servicios de activos virtuales

156. El Grupo siguió investigando las ciberactividades de la República Popular Democrática de Corea contra instituciones financieras, activos virtuales y proveedores de servicios de activos virtuales. Tras analizar información de fuentes públicas y Estados Miembros, el Grupo sigue considerando que en 2020 una serie de ciberagentes vinculados a la República Popular Democrática de Corea siguieron realizando operaciones contra instituciones financieras [135] y plataformas de intercambio de divisas virtuales para generar ingresos con los que financiar los programas de armas de destrucción masiva y misiles balísticos del país. Un Estado Miembro estima que, de 2019 hasta noviembre de 2020, la República Popular Democrática de Corea robó activos virtuales por un total de 316,4 millones de dólares.

157. En su informe de mitad de período, el Grupo observó que la República Popular Democrática de Corea trataba de blanquear activos virtuales robados (es decir, criptodivisas) por conducto de intermediarios chinos que los canjeaban por moneda fiduciaria[136]. Un análisis de las transacciones de criptodivisas muestra que el país sigue utilizando corredores de activos virtuales en el mercado extrabursátil, principalmente asentados en China. El Grupo también observa que los ciberagentes norcoreanos utilizan cada vez más servicios de transacciones en red entre particulares (*peer-to-peer*) y servicios que no recopilan información sobre los clientes, como los mercados extrabursátiles.

158. En la acción judicial de un Estado Miembro de agosto de 2020[137] se exponen otras actividades que esos mismos individuos asentados en China realizaron para

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[134] Según la documentación reunida por el Grupo, MCM International no ocupa la dirección que figura en el registro mercantil.

[135] A partir de información de fuentes públicas, el Grupo está investigando presuntos intentos de la República Popular Democrática de Corea de piratear una institución financiera de Chile. En respuesta a la solicitud de información del Grupo, las autoridades de Chile informaron de que su Unidad Especializada en Lavado de Dinero, Delitos Económicos, Delitos Medioambientales y Crimen Organizado había indicado que la investigación penal iniciada a raíz del ciberataque contra el banco en cuestión aún no se había formalizado. El Grupo sigue investigando el caso.

[136] Véase S/2020/840 y S/2020/840/Corr. 1, anexo 56.

[137] Según los expedientes judiciales, las autoridades estadounidenses habían establecido que las direcciones IP de los corredores estaban asociadas a las que había utilizado la República Popular Democrática de Corea para facilitar el pirateo de dos operaciones anteriores de cambio de criptomonedas. Véase www.justice.gov/opa/pr/united-states-files-complaint-forfeit-280-cryptocurrency-accounts-tied-hacks-two-exchanges.

blanquear ingresos obtenidos en julio de 2019 y septiembre de 2019 con el robo de aproximadamente 272.000 dólares y 2,5 millones de dólares respectivamente[138]. Con esas operaciones de pirateo informático se robaron criptodivisas alternativas como las de Proton, PlayGame y IHT Real Estate Protocol. Según un Estado Miembro, la República Popular Democrática de Corea vendía criptodivisas robadas a precio reducido por conducto de corredores extrabursátiles radicados en China, que los convertían en criptodivisas más estables, como ethereum o bitcoin, un método de ocultación conocido como “chain-hopping”.

159. El Grupo está investigando el pirateo informático de una operación de intercambio de criptodivisas que ocurrió en septiembre de 2020 y se saldó con el robo de unos 281 millones de dólares en criptomonedas. Un análisis preliminar de las vías de ataque y las labores posteriores de blanqueo de las ganancias ilícitas apunta claramente a la República Popular Democrática de Corea. Las transacciones con tecnología de cadenas de bloques realizadas en la operación de pirateo también parecen estar relacionadas con otra operación del mismo tipo que tuvo lugar en octubre de 2020 y se saldó con el robo de unos 23 millones de dólares. Según fuentes conocedoras de ambas operaciones, los atacantes aprovecharon los protocolos de finanzas descentralizadas (DeFi), es decir, contratos inteligentes que permiten transacciones automatizadas.

Plataformas independientes de tecnología de la información

160. Según un Estado Miembro, la República Popular Democrática de Corea sigue generando ingresos ilícitos a través de plataformas independientes de tecnología de la información. Los informáticos del país pueden eludir los protocolos de diligencia debida y conocimiento del cliente prácticamente con los mismos métodos de ocultación que sirven para acceder al sistema financiero mundial: utilizando identidades falsas y servicios de redes virtuales privadas y domiciliando empresas pantalla en Hong Kong. Según la investigación interna que hizo una empresa a partir de las pesquisas del Grupo, la mayoría de las cuentas vinculadas a la República Popular Democrática de Corea operan desde ubicaciones en China[139]. Para evitar los controles, esas cuentas suelen migrar a ubicaciones extranjeras una vez que han establecido con clientes potenciales, es decir, con personas que desean contratar servicios de tecnología de la información. La empresa también observó que los usuarios vinculados a la República Popular Democrática de Corea tendían a preferir plataformas independientes de tecnología de la información con niveles de seguridad más bajos o procedimientos de diligencia debida menos estrictos.

161. Al investigar las empresas conjuntas, el Grupo de Expertos descubrió que una de esas redes de trabajo informático operaba desde Jilin (China). El usuario en cuestión, que tenía asociadas otras cuatro cuentas mediante un número de teléfono chino y varias direcciones IP[140], mostraba un número nacional de identidad chino y una fotografía, ambos probablemente falsos. En un año esa cuenta generó aproximadamente 1.050 dólares (con transacciones de una media de 200 dólares). El Grupo, que sigue investigando esa y otras redes, alerta específicamente de los riesgos de que las plataformas independientes de tecnología de la información no cumplan

[138] Según el mismo Estado Miembro y la información recabada por el Grupo, una de las personas asentadas en China acusadas de blanquear las criptodivisas robadas por la República Popular Democrática de Corea había registrado una cuenta en una plataforma de cambio de criptomonedas solo unas horas antes de que se produjera el ataque de julio de 2019.

[139] Véase S/2020/840 y S/2020/840/Corr. 1, anexo 47.

[140] El Grupo ha atribuido al menos dos de esos nombres de usuario y direcciones de correo electrónico a sendas plataformas independientes de tecnología de la información.

sus obligaciones y faciliten inadvertidamente a la República Popular Democrática de Corea acceso a los sistemas de pago internacionales.

Recomendaciones

162. **El Grupo de Expertos observa que la República Popular Democrática de Corea recurre a proveedores de servicios corporativos para eludir más fácilmente las sanciones y alienta a los Estados Miembros a que sigan corrigiendo las normas y reglamentos poco transparentes de registro de empresas que permitan utilizar el anonimato para eludir las sanciones**.

163. **El Grupo recomienda que los Estados Miembros refuercen las medidas de diligencia debida que aplican a contratistas y subcontratistas de proyectos de desarrollo, especialmente los que se realizan en países de África Subsahariana con préstamos municipales, subvenciones o inversiones extranjeras directas**.

164. **El Grupo recomienda que los Estados Miembros colaboren con las empresas independientes de tecnología de la información para potenciar y ampliar la capacidad de aplicación de las sanciones**.

165. **El Grupo recomienda al Comité la designación de Choe Song Chol e Im Song Sun**.

166. **El Grupo recomienda al Comité la designación de Pak Hwa Song y Hwang Kil Su**.

VI. Efectos no deseados de las sanciones

167. En el párrafo 25 de su resolución 2397 (2017), el Consejo de Seguridad reafirmó que las sanciones de las Naciones Unidas no tenían el propósito de acarrear consecuencias humanitarias adversas para la población civil de la República Popular Democrática de Corea ni de perjudicar o restringir la actividad económica, la cooperación, la ayuda alimentaria, la asistencia humanitaria u otras actividades que no estuvieran prohibidas en virtud de las resoluciones pertinentes del Consejo, y destacó también la necesidad y responsabilidad primordial del país de atender plenamente las necesidades de subsistencia de su población.

168. Según varios organismos de las Naciones Unidas, Estados Miembros y organizaciones no gubernamentales, la evolución de la situación humanitaria de la República Popular Democrática de Corea es muy mala y se está deteriorando rápidamente. El efecto combinado de la pandemia de COVID-19, las catástrofes ecológicas, las sanciones y la mala gestión de las políticas sociales y económicas ha agudizado la escasez alimentaria[141], provocado subidas de precios y compras por pánico y limitado aún más los suministros y servicios médicos[142].

169. Aunque considera probable que, durante el período que abarca el informe, las sanciones de las Naciones Unidas hayan tenido consecuencias no deseadas[143] en la población civil, a causa de los factores indicados y de la falta de datos precisos el Grupo no puede hacer una evaluación cuantitativa al respecto.

[141] Un Estado miembro comunicó al Grupo que la ración del sistema de distribución pública se había reducido a 545 gramos a partir de octubre de 2020.

[142] Véase en el anexo 98 la declaración del Relator Especial sobre la situación de los derechos humanos en la República Popular Democrática de Corea sobre la crisis humanitaria en el país.

[143] Dos expertos tienen opiniones diferentes sobre esta cuestión.

170. Según dos Estados Miembros, las sanciones de las Naciones Unidas tuvieron las siguientes consecuencias no deseadas:

- Las limitaciones de la importación de combustible repercutieron negativamente en la seguridad energética[144], la producción de electricidad[145], el transporte civil y la agricultura, y provocaron problemas ecológicos como la deforestación.
- Las restricciones en los recursos agrícolas, como los servicios de transporte, la importación de maquinaria y la producción de fertilizantes, hicieron que hubiera menos alimentos disponibles[146].
- Las restricciones de la importación de equipos médicos y artículos complementarios tuvieron una incidencia negativa en la atención sanitaria, el saneamiento y la higiene[147].
- Se estima que las sanciones sectoriales causaron la pérdida de al menos 200.000 puestos de trabajo y los ingresos correspondientes y el aumento del desempleo encubierto.
- La repatriación de trabajadores provocó pérdidas de ingresos y el empeoramiento de las condiciones socioeconómicas. La mayor parte de esos trabajadores habían sido enviados a trabajar en obras de construcción en regiones montañosas remotas, prácticamente sin remuneración, y la súbita interrupción de los ingresos hizo que algunos de ellos tuvieran problemas de endeudamiento.

171. Según los análisis que otros dos Estados Miembros comunicaron al Grupo, la principal causa del declive agrícola, la inseguridad alimentaria y los deficientes servicios sanitarios y médicos de la República Popular Democrática de Corea no son las sanciones, sino la mala gestión económica del país a lo largo del tiempo, en la que no faltan grandes proyectos inútiles y desvíos de recursos. Los Estados Miembros señalaron además lo siguiente:

- La República Popular Democrática de Corea sigue primando la estabilidad y la continuidad del régimen familiar de los Kim sobre cualquier otra prioridad nacional, incluidos los servicios sanitarios y médicos y la seguridad alimentaria.
- El grueso de los ingresos que obtienen los nacionales de la República Popular Democrática de Corea en el extranjero se los quedan las empresas estatales que los emplean, por lo que el régimen es el principal beneficiario de su trabajo. Además, cualquier prestación social derivada del trabajo en el extranjero se ve limitada por las estrictas medidas de control y vigilancia de las condiciones de vida.
- En 2012, cuando Kim Jong Un llevaba solo unos meses en el poder, se presentaron públicamente diversas reformas agrícolas y empresariales que se retiraron poco después, casi cinco años antes de que en 2017 el Consejo de

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[144] Según algunas investigaciones (http://nautilus.org/wp-content/uploads/2020/08/Refined-Products-Balance-Thru-July-22-2020-SR-PDF.pdf), el combustible importado se utiliza sobre todo en el sector civil (véase el anexo 97).

[145] Los Estados Miembros señalaron que la creciente escasez de hidrocarburos en el país había provocado la paralización de muchas centrales termoeléctricas.

[146] Los Estados Miembros señalaron que, al no poder utilizar equipos agrícolas por falta de combustible, los agricultores coreanos tenían que recurrir a métodos menos eficaces (incluso sustituir esos equipos con ganado de tiro y mano de obra).

[147] El Estado Miembro observa que los problemas de atención sanitaria se deben a las restricciones a la importación de equipos médicos y artículos complementarios derivadas de las medidas coercitivas, así como a la falta de divisas extranjeras ocasionada por las restricciones a la exportación.

Seguridad decidiera por unanimidad imponer sanciones sectoriales y prohibiciones del trabajo en el extranjero.

- La República Popular Democrática de Corea ha politizado la ayuda humanitaria: solo la acepta en ámbitos que el Partido de los Trabajadores de Corea considera prioritarios y de países que no plantean problemas ideológicos al régimen ni exigen procedimientos que minimicen los desvíos. Además, se considera casi seguro que la ayuda se ha desviado para satisfacer necesidades de los dirigentes, lo que en última instancia desincentiva toda reforma económica de calado.

- El régimen puso todo su empeño en construir precipitadamente un hospital escaparate en el corazón de la capital. Las obras se iniciaron, al parecer, sin un plan exhaustivo que permitiera rematar el edificio y se terminaron a toda prisa para respetar un plazo político artificial, que no se cumplió.

172. Para evaluar las repercusiones de la pandemia de COVID-19 en las operaciones humanitarias realizadas en la República Popular Democrática de Corea, el Comité hizo una encuesta a 38 organizaciones en mayo de 2020 y un estudio de seguimiento de todas ellas en octubre de 2020. En el grupo había tanto organizaciones de las Naciones Unidas como organizaciones no gubernamentales que solicitaron exenciones directamente al Comité o por conducto de un Estado Miembro o del Coordinador Residente de las Naciones Unidas en el país. Hasta enero de 2021, el Comité había recibido 11 respuestas[148], que se resumen en el anexo 99 a).

173. Algunos organismos de las Naciones Unidas y organizaciones no gubernamentales informaron al Grupo de importantes reducciones de personal y capacidad operativa debido al cierre de las fronteras y a las restricciones de los viajes internacionales y nacionales[149]. Varias organizaciones tuvieron que suspender tanto las actividades de ejecución como las de supervisión. En muchos casos, la ayuda humanitaria ya no llega a las poblaciones a las que está destinada.

174. En varias respuestas se subrayó la importancia de los costes adicionales asociados a la necesidad de almacenar en la frontera artículos que requerían control térmico, como los medicamentos, y otros suministros[150]. Algunas organizaciones indicaron efectos secundarios derivados de la menor fiabilidad de la cadena de suministro y los canales logísticos, como la ampliación de los plazos de entrega. Una organización explicó que los plazos de entrega de los artículos que adquiría habían aumentado considerablemente, hasta superar los ocho meses[151]. Las organizaciones también tuvieron que competir en mayor medida para encontrar transportistas y transitarios disponibles, lo que agravó aún más el problema. Por último, varios encuestados señalaron que la falta persistente de un canal bancario estable, unida al cierre de fronteras y a la falta de vuelos internacionales, había provocado graves

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[148] Responder a la encuesta del Grupo era facultativo y sin efecto en los procesos de aprobación de exenciones (en el anexo 99 b) se recogen algunas propuestas de organizaciones no gubernamentales).

[149] En diciembre de 2020, solo quedaban en Pyongyang dos miembros del personal humanitario internacional de las Naciones Unidas y nueve embajadores.

[150] China señaló que sus autoridades aduaneras habían establecido un procedimiento operativo y un método de trabajo ordinarios y habían resuelto con eficacia problemas surgidos durante el despacho de aduanas de mercancías humanitarias destinadas a la República Popular Democrática de Corea, aunque algunas ONG hicieron declaraciones en sentido contrario (véase el anexo 93).

[151] El Comité ha acortado el proceso de obtención de exenciones para actividades de ayuda humanitaria en respuesta a la COVID-19 al aprobar un procedimiento de decisión de dos días (véase la nota orientativa núm. 7 para la aplicación de resoluciones: https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/implementation_notice_assistance_no._7_-_spanish_0.pdf).

problemas de liquidez, lo que probablemente se traduciría en una reducción de las actividades humanitarias y en una posible reprogramación fiscal el año siguiente.

Recomendaciones

175. **El Grupo recomienda que el Comité examine las respuestas de las organizaciones no gubernamentales a la encuesta del Grupo a fin de enriquecer sus futuros procesos de decisión y evaluar mejor las necesidades y la incidencia de la ayuda humanitaria (véase el anexo 99)**.

176. **El Grupo hace notar la importancia de las disposiciones para el restablecimiento del canal bancario**.

177. **El Grupo hace notar la utilidad de las sesiones informativas semestrales de los organismos competentes de las Naciones Unidas sobre los efectos no deseados de las sanciones y recomienda que el Comité mantenga esa práctica**.

178. **El Grupo recomienda que el Consejo de Seguridad siga ocupándose de los problemas y procesos de mitigación de posibles efectos negativos no deseados de las sanciones en la población civil norcoreana y las operaciones de ayuda humanitaria a los sectores vulnerables de esa población y de superación de los efectos de la pandemia de COVID-19**.

179. **El Comité debería seguir simplificando los procesos y procedimientos de solicitud de exenciones humanitarias**.

VII. Informes nacionales de aplicación

Estados Miembros que han presentado informes sobre la aplicación de las resoluciones pertinentes

180. A 5 de febrero de 2021, 66 Estados Miembros habían presentado informes sobre la aplicación de lo dispuesto en el párrafo 8 de la resolución 2397 (2017); 81, sobre la aplicación de lo dispuesto en el párrafo 17 de la resolución 2397 (2017); 95, sobre la aplicación de lo dispuesto en la resolución 2375 (2017); 90, sobre la aplicación de lo dispuesto en la resolución 2371 (2017); 107, sobre la aplicación de lo dispuesto en la resolución 2321 (2016); y 115, sobre la aplicación de lo dispuesto en la resolución 2270 (2016). Aunque globalmente se presentaron más informes, el Grupo observa que el número de Estados que no han presentado informes sobre la resolución 2397 (2017) (127, entre ellos un miembro no permanente del Consejo de Seguridad en 2020) sigue siendo importante.

Recomendaciones

181. **El Grupo recomienda a los Estados Miembros que presenten sus informes ateniéndose plenamente a las resoluciones 2371 (2017), 2375 (2017) y 2397 (2017)**.

VIII. Recomendaciones

182. En el anexo 100 figura una lista consolidada de las recomendaciones.

Annex 1: COVID-19, Democratic People's Republic of Korea border measures

The Democratic People's Republic of Korea responded rapidly to the emergence of the COVID-19 pandemic with border closures, internal controls and quarantine measures (see S/840/2020, Annex 1). All international flights remained suspended throughout the current reporting period. Passenger rail services also remained suspended. Occasional and limited cross-border deliveries of goods and cargo by road and rail were recorded. Maritime deliveries to the refined petroleum facility at Nampo continued. Maritime container shipments were occurring at the start of the reporting period but were largely suspended shortly afterwards. Outward coal shipments continued at reduced levels. There was almost no movement of people into or out of the country. Diplomatic missions, UN agencies and non-government organisations were permitted to repatriate staff but were unable to bring staff into the DPRK.

Source: The Panel.

Annex 2: Yongbyon nuclear complex

(1) Plumes of steam observed in uranium enrichment plant complex on 14 July, 18 September, and 22 September 2020.



Source: Planet Labs Inc. 14 Jul. 2020, 02:17 UTC



Source: Planet Labs Inc. 18 Sep. 2020, 02:12 UTC



Source: Planet Labs Inc. 22 Sep. 2020, 02:54 UTC

(2) A cooling device at the uranium enrichment facility remained removed (see para. 3, S/2020/840)



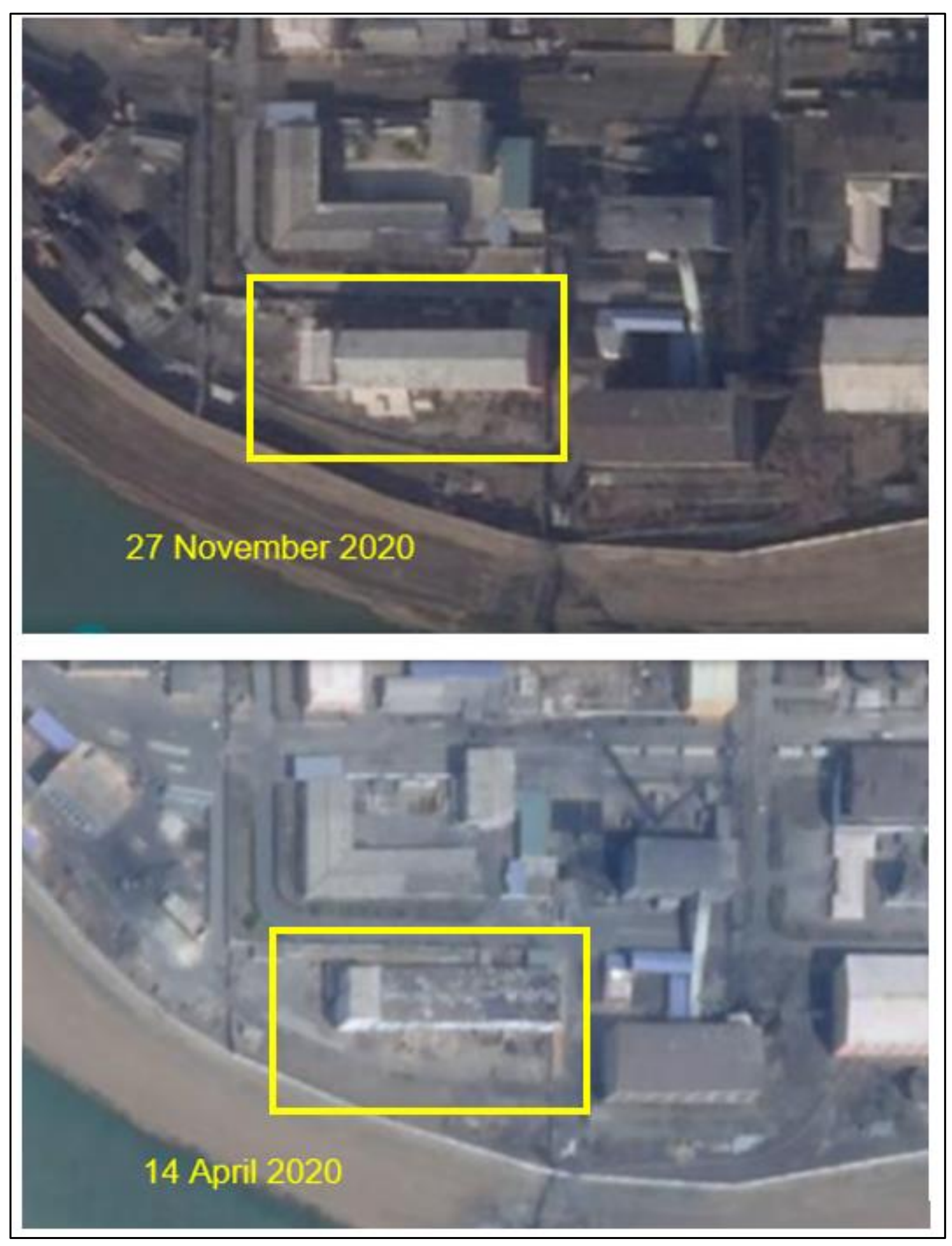


Source: Planet Labs Inc. 12 Dec. 2019, 02:47 UTC, and 20 Dec. 2020, 02:45 UTC

Annex 3: Uranium mine and processing plant in Pyongsan

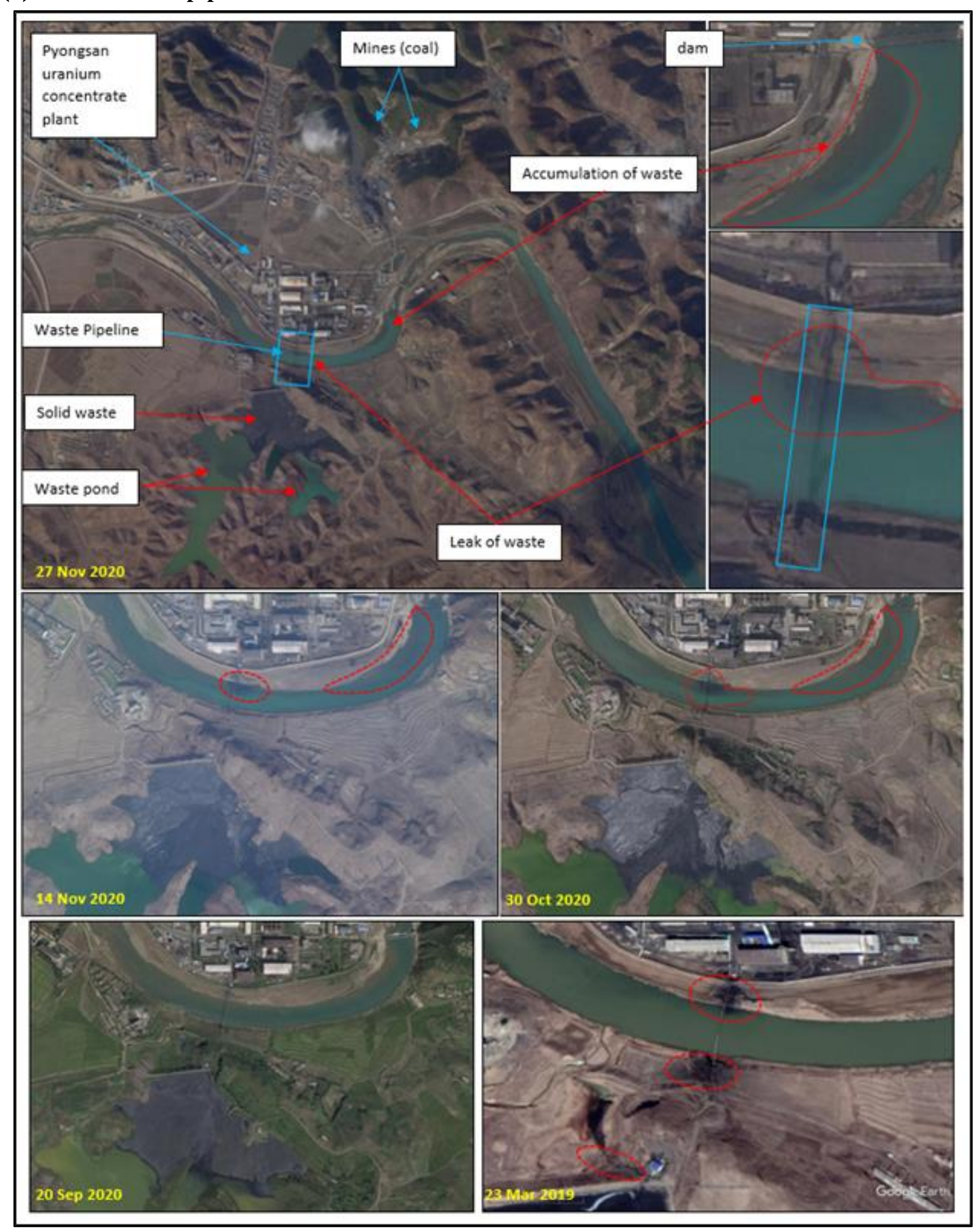
Pyongsan uranium mine and plant were damaged by typhoons in the summer of 2020. However, satellite imagery suggests its operation was continuing as of late 2020. Furthermore, satellite imagery suggests the leakage of a waste pipeline over the Ryesong River. The waste tailings contain heavy metal and acid and are highly toxic, which could cause local adverse environmental impact.

(1) Construction and modernization of the building



Source: Planet Labs Inc. 27 Nov. 2020, 04:54 UTC and 14 Apr. 2020, 02:21 UTC

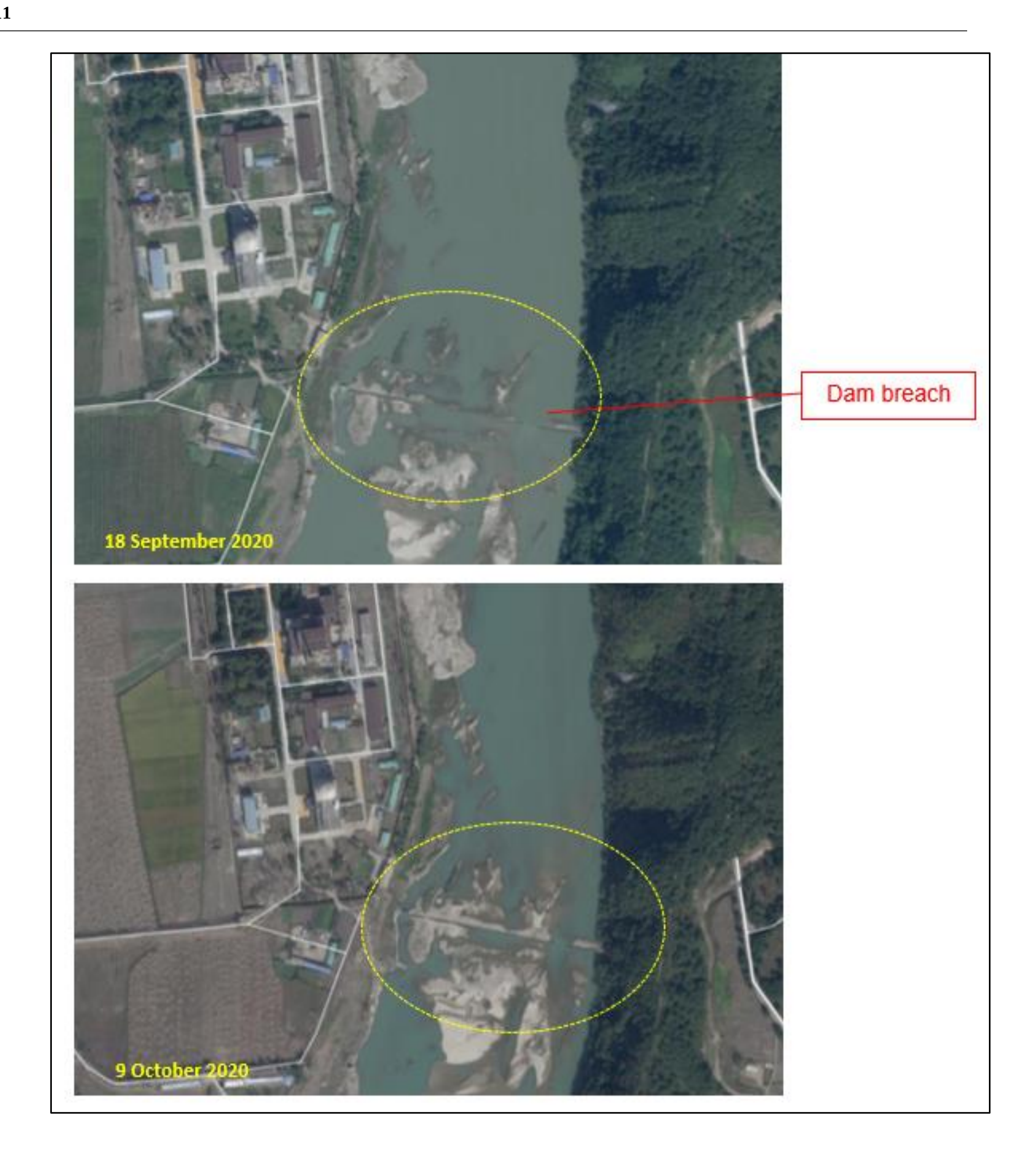
(2) Leak of waste pipeline



Source: Planet Labs Inc. 27 Nov. 2020, 04:54 UTC; 14 Nov. 2020, 01:59 UTC; 30 Oct. 2020, 05:05 UTC; 20 Sep. 2020, 02:19 UTC; Google Earth: 23 Mar. 2019.

Annex 4: Impact of typhoons at the dam of Kuryong River in Yongbyon




Dam breach
18 September 2020
9 October 2020


17 October 2020
23 October 2020



Source: Planet Labs Inc. 8 Jul. 2020, 02:47 UTC; 5 Sep. 2020, 05:10 UTC; 18 Sep. 2020, 02:12 UTC; 9 Oct. 2020, 02:15 UTC; 17 Oct. 2020, 02:18 UTC; 23 Oct. 2020, 02:15 UTC; 20 Dec. 2020, 02:45 UTC

Annex 5: Suspected uranium enrichment facility in Kangson

The Panel is continuing monitoring the facility for its possible connection with the nuclear program in Kangson (figure). Several assessments have been stated. The IAEA has stated that "if the Kangson complex is a centrifuge enrichment facility, this would be consistent with the Agency's assessed chronology of the development of the DPRK's reported uranium enrichment program".[1] An analysis was published concerning one possibility that the facility is not a uranium enrichment facility but could be another type of facility related to the uranium enrichment programme, such as a workshop for production and testing of centrifuge components.[2]

Figure: Suspected uranium enrichment facility in Kangson



Source: Planet Labs Inc. (Skysat Collect, 4 Dec. 2020, 02:57 UTC)

[1] IAEA, 1 September 2020, GOV2020/42-GC(64)/18.
[2] 38 North, https://www.38north.org/2020/12/kangson201217/

Annex 6: Statement by Chairman Kim Jong Un concerning DPRK's nuclear weapon program

On 11 October DPRK's state media reported "Congratulatory note to Supreme Leader of Party, Nation and Armed Forces, Kim Jong Un" by several committees of Workers Party of Korea, State Affairs Commission, Presidium of the Supreme People's Assembly and Cabinet of the Democratic People's Republic of Korea dated on 10 October 2020. In the note they expressed the commitment to "…building strong military power by strengthening the political ideological and military technical power of the revolutionary force in all directions, and brighten the country as a world class military power, by massively strengthening defence capability centred around nuclear force in both quality and quantity."

On 9 January 2021, DPRK's state media reported in Mr. Kim Jong Un's report on the work of the Central Committee of the Party presented at Eighth Congress of the Workers Party of Korea in January 2021, Mr. Kim Jong Un stated the Central Committee "carried out the great cause of building a state nuclear force", and a plan to develop tactical nuclear weapons are presented. It was also reported that in the closing remarks of this Eighth Congress, Mr. Kim Jong Un stated that "[the country] must further strengthen the nuclear war deterrent while doing our best to build up the most powerful military strength."

Annex 7: A Member State's information on dual use choke-point items used for nuclear fuel cycle which are not listed as items to which measures imposed in paragraph 8(a), 8(b) and 8(c) of resolution 1718 (2006) should apply

(1) Insulated gate bipolar transistors (IGBTs)

Fast-switching electrical components are necessary in several power applications, including frequency changers. Four or more IGBTs are critical components in modern multi-phase frequency changers (inverters, converters, motor drives).

(2) Programmable logic controllers (PLSs)

Modern process control systems incorporate industrial computer technology for control rooms. PLCs contain the programmed software that operates instrumentation such as frequency changers and valves.

(3) Roots vacuum pumps, rotary vane vacuum pumps

Vacuum equipment is required in many nuclear fuel cycle facilities. Roots pumps are commonly employed as a booster pump for several types of forepumps (such as rotary vane pumps).

(4) Pressure transducers, micromanometers

Many nuclear fuel cycle processes require precise pressure measurement. Corrosion resistant pressure transducers are used for centrifuge enrichment cascade instrumentation. Micromanometers are also used as ancillary instruments to monitor operations.

(5) Epoxy resin and associated hardeners, monel welding rods

Epoxy resins and associated hardeners are used to form composite structures and protect centrifuge rotors from exposure to corrosive uranium components. Monel welding rods are used to weld corrosion resistant nickel-alloy materials.

Source: Member State and the Panel

Annex 8: Examples of research topics on two DPRK university websites

1. Kim Il Sung University academic journal Vol. 66, No. 2, 2020

(1) Study on Neutron Detector with Lithium-6 Sensor

Pak Su Il ,Ko Myong Son and Kim Song Jin

(abstract)

In this paper we manufactured a thermal neutron sensor with compound contained Lithium-6, constructed a thermal neutron detector with this sensor and ZnS(Ag) scintillator, and evaluated its detection efficiency. The thermal neutron detection efficiency of Lithium-6 sensor is 14%.

Keywords: neutron detector, scintillator, radiation detector

(2) Improvement of Some Characteristics in Nuclear Reactor Internal Vibration Measuring Instrument

Ri Kum San, Ro Kwang Chol

(abstract)

In order to realize normalization of analysis results for various type of accelerators sensors with sensitivity 10 ~ 1000mV within acceleration range of 1 ~ 50g, we have enabled gain of the charge amplifier to be regulated 0 ~ 60dB.

Applying on-line USB communication and microprocessor PIC18F4550 and converting measuring device into NI-VISA device, we have increased communication rate up to 12Mbps and normalized nuclear reactor internal vibration measuring.

In addition, by using powerful digital signal processing function of LabVIEW, we have improved reliability and realized multifunction and on-line in measuring and analyzing of nuclear reactor internal vibration.

Keywords: vibration measuring, nuclear reactor internal vibration

(3) A Method of Discriminating Seismic Wave and Explosive Wave in a Digital Seismic Analysis

Pak Chi Bong, Jong Kyong Su and Kim Yong Il

(abstract)

We suggested a method to determinate seismic wave and explosive wave, which were based on the power spectra mean frequency ratio and the linear discriminant analyze.

Keywords: seismic wave, explosive wave

Source: Kim Il Sung University website, www.ryongnamsan.edu.kp/univ/ko/research/journals (accessed 4 January 2021)

2. Publication by experts affiliated with Kim Chaek University of Technology

(1) Determination of geological strength index of jointed rock mass based on image processing

Kunui Hong (Faculty of Mining Engineering, Kim Chaek University of Technology),
Eunchol Han (School of Engineering and Science, Kim Chaek University of Technology),
Kwangsong Kang (Faculty of Mining Engineering, Kim Chaek University of Technology)

(abstract)

The geological strength index (GSI) system, widely used for the design and practice of mining process, is a unique rock mass classification system related to the rock mass strength and deformation parameters based on the generalized Hoek-Brown and Mohr-Coulomb failure criteria. The GSI can be estimated using standard chart and field observations of rock mass blockiness and discontinuity surface conditions. The GSI value gives a numerical representation of the overall geotechnical quality of the rock mass. In this study, we propose a method to determine the GSI quantitatively using photographic images of in situ jointed rock mass with image processing technology, fractal theory and artificial neural network (ANN). We employ the GSI system to characterize the jointed rock mass around the working in a coal mine. The relative error between the proposed value and the given value in the GSI chart is less than 3.6%.

Keywords: Jointed rock mass, Geological strength index (GSI), Image processing Fractal dimension, Artificial neural network (ANN)

Source: Kim Chaek University of Technology website, http://www.kut.edu.kp/index.php/page/index?si=25http (accessed 4 January 2021)

(2) Papers published in KUT International Conference for the 70th foundation anniversary

1) The Stability Estimation of Rock Mass Surrounding Tunnel by Strength Reduction FEM

Jong Tok Yong, Jang Ui Jun

2) 3D Numerical Modeling for Tunnel in Anisotropic Rock by FEM

Hwang Ryong Hyon1, Ri Yong Il

3) Intelligent Back Analysis of Geotechnical Parameters for Soft Rock Mass Surrounding Tunnel using Grey Verhulst Model

Han Un Chol, Hong Kun Ui

Source: Kim Chaek University of Technology website, http://www.kut.edu.kp/index.php/page/index?si=54 (accessed 4 January 2021)

Annex 9: "Sister University" listed on the website of Kim Il Sung University

1) Kim Il Sung University website

김일성종합대학
KIM IL SUNG UNIVERSITY

조선어

About Education Research

Education

- Undergraduate Education
- Graduate Education
- Distance Education
- In-service Training
- International Education
- Sister University
- Guest Lectures

Sister University

Home / Education

Kim Il Sung University has many sister universities of the world such as Beijing University of China, with which it is conducting academic exchanges.

The universities which were in the past and are at present sister universities of **Kim Il Sung** University are as follows.

Asia

Beijing University (China)
Yanbian University (China)
Nanjing University (China)
Jilin University (China)
Haerbin Industrial University (China)
Liaoning University (China)
Qingdao University of Science and Technology (China)
Renmin University (China)
Fudan University (China)
Shanghai University (China)
Hunan University of Education (China)
Tianjin University (China)
Damascus University (Syria)
Hanoi State University (Vietnam)
State University of Mongolia (Mongolia)
State University of Indonesia (Indonesia)

Europe

Moscow State University (Russia)
Far Eastern Federal University (Russia)
Novosibirsk State University (Russia)
Sakhalin State University (Russia)
Far Eastern State University of Marine Technology (Russia)
Tirana University (Albania)
Humboldt-University Berlin (Germany)
Free University of Berlin (Germany)
Sofia University (Bulgaria)
National University of Oriental Language and Culture (France)
Belgrade University (the then Yugoslavia)
Komenskiy University (the then Czechoslovakia)
Karel University (the then Czechoslovakia)

America

Havana University (Cuba)
San Marco University (Peru)
Panama University (Panama)
Honduras State Autonomous University (Honduras)
Santo Domingo Autonomous University (Dominica)

Africa

Cairo University (Egypt)
Somalia National University (Somalia)
Algiers First University (Algeria)

Source: Kim Il Sung University website, "Sister University" www.ryongnamsan.edu.kp/univ/en/education/sister_university. (accessed 11 December 2020)

2) Panel’s enquiry (a letter sent to a university)



UNITED NATIONS SECURITY COUNCIL PANEL OF EXPERTS ESTABLISHED PURSUANT TO RESOLUTION 1874 (2009)

REFERENCE:
YOUR REFERENCE
[redacted]

Dear Sir/Madam,

I am writing to you with regard to ongoing efforts of the Panel of Experts established pursuant to United Nations Security Council resolution 1874 (2009) to gather, examine and analyse information regarding the implementation of the measures imposed on the Democratic People’s Republic of Korea (DPRK) by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) and 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017), in particular incidents of non-compliance.

The Panel would like to request information on academic exchanges between [redacted]niversity and the DPRK’s Kim Il Sung University. The website of **Kim Il Sung University**, as of 11 December 2020, lists [redacted] **University** as a sister university with which Kim Il Sung University had previously conducted academic exchanges or is currently doing so (Annex).

The Panel makes enquiries concerning scientific and technical partnerships with DPRK scientists in the academic fields covered by the relevant provisions of United Nations Security Council Resolutions (below). The Panel seeks information to assess whether these partnerships have involved joint studies which may have contributed, or continue to contribute, to the development by the DPRK of technologies related to its WMD programme.

Paragraph 17 of resolution 2270 (2016), which reinforces paragraph 28 of resolution 1874 (2009) which called for Member State vigilance, states that “all Member States shall prevent specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines which could contribute to the DPRK’s proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines”. Furthermore, paragraph 10 of resolution 2321 (2016) clarifies that for the purposes of implementing paragraph 17 of resolution 2270 (2016) specialized teaching and training which

[redacted]

could contribute to the DPRK's proliferation sensitive nuclear activities or the development of nuclear weapons delivery systems includes, but is not limited to, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering.

Moreover, paragraph 11 of resolution 2321 (2016) decides that all Member States shall suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing the DPRK except for medical exchanges unless in specified cases exempted by the 1718 Committee or in all other cases notified in advance to the Committee.

Furthermore, the Panel has concerns that if DPRK scholars have access to the internet, libraries, and exchange with other scholars, they may use this to collect proliferation sensitive information which could contribute to the DPRK's WMD and ballistic missile development or the enhancement of its military operational capability. The Panel also has concerns that networks developed during overseas exchange programs may be used to facilitate the transfer of intangible technology applicable to the DPRK's WMD program.

In addition, paragraph 8 of resolution 2397 (2017) requires all Member States to repatriate to the DPRK all DPRK nationals earning income in their jurisdiction and all DPRK government safety oversight attachés within 24 months from 22 December 2017 and to submit midterm and final reports on repatriation. The Panel notes that paragraph 8 of resolution 2397 (2017) covers all DPRK citizens who are earning income, regardless of work authorization, visa category, and how the payment is labelled.

In connection with the above, and in its effort to gather reliable and verifiable information, the Panel would be grateful for your assistance in providing the following:

1. Information on the current status of [redacted] University's academic exchange with Kim Il Sung University.

2. The total number of DPRK students who have studied at [redacted] University since 2017, as well as the number of current DPRK students. Please specify their degree programs (whether Masters, PhD, post-doctorate researchers etc), fields of study and subject of their scientific collaborations, if applicable. Please provide information on any scholarships or sponsorship they have received / are receiving.

3. Confirmation if any DPRK scholars have been affiliated with [redacted] University since 2017. If so, please provide the Panel with the following information:

   3-1) A list of the DPRK scholars (name, affiliation, area of research, period of affiliation) as well as copies of documents showing their source(s) of income while in [redacted] including sponsorships (if applicable);
   3-2) Information on whether any financial support, such as scholarships, for the DPRK scholars are provided by [redacted] University; and
   3-3) Information regarding any non-financial resources provided by [redacted] University, including the use of facilities and access to databases and IT.

Paragraph 5 of Security Council resolution 2515 (2020) urges all Member States and other interested parties to cooperate fully with the Panel of Experts, in particular by supplying any information at their disposal. The Panel would welcome any other information that you might consider relevant to this issue.

Given the importance the Panel attaches to this investigation, we would be grateful for any information to be supplied within four weeks of the date of this letter. As the Panel intends to report on these matters in its next report to the Security Council, we would be grateful to receive a timely response to ensure that your reply can be taken into consideration. Please reply to the Panel at [redacted]


[redacted]

Coordinator of the Panel of Experts established
pursuant to Security Council Resolution 1874 (2009)

Annex: Website of Kim Il Sung University

Source: The Panel

(3) Replies from universities received by by 4 February 2021

University of Belgrade



UNIVERSITY OF BELGRADE

Address: Studentski trg 1, 11000 Belgrade, Republic of Serbia
Tel.: +381-11 3207401; Fax: +381-11 2638818; E-mail: officebu@rect.bg.ac.rs

[redacted]

Coordinator of the Panel of Experts
established pursuant to Security Council Resolution 1874 (2009)

Belgrade, January 13, 2021
05 68-101/2-21

[redacted]

I am addressing you with reference to the letter sent to the University of Belgrade on January 04, 2021, on behalf of United Nations Security Council Panel of Experts (Reference S/AC.49/2021/PE/OC.12), with a request that the University of Belgrade provide information on academic exchanges between University of Belgrade and the DPRK's Kim Il Sung University.

As mentioned in the letter, the DPRK's Kim Il Sung University's website lists a Belgrade University from the then Yugoslavia as a partner university.

Please note that the University of Belgrade is a university from the Republic of Serbia and that since 2017, the year of reference mentioned in the letter, the Rector, as the University's only legal representative as defined by the Statute of the University of Belgrade, has not signed any agreements on cooperation or academic exchange with the DPRK's Kim Il Sung University. Consequently, there could not have been any student or staff exchanges subject to such agreements. Therefore, with respect to questions 1 through 3 of the Letter, the University of Belgrade has no information or records to provide in this regard.

In addition, please let us stress that the University of Belgrade has not had any type of cooperation, scientific, research or other with the DPRK's Kim Il Sung University since 2017 until the present date.

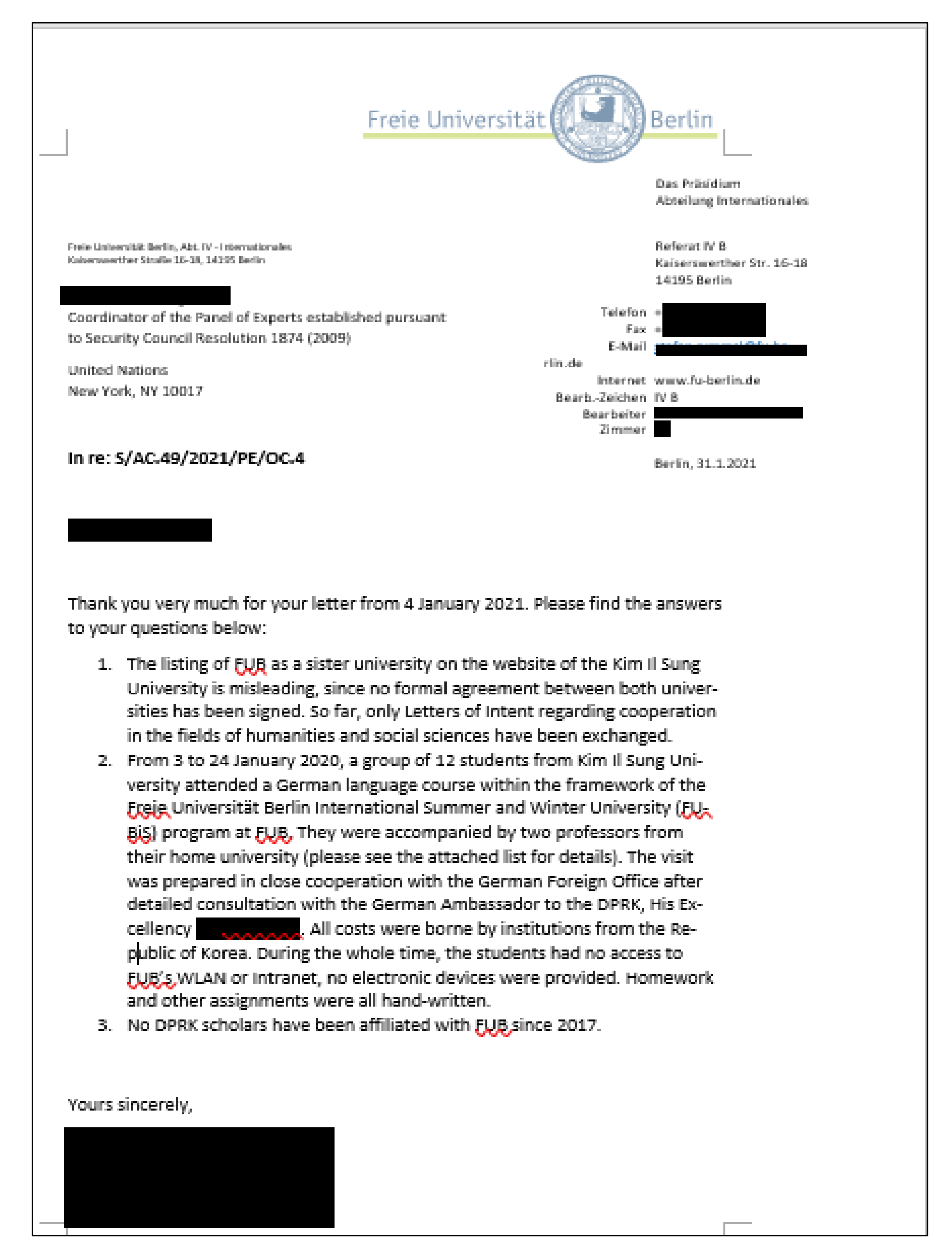
Please do not hesitate to contact us if the University of Belgrade may be of additional assistance.

Sincerely Yours,

Rector

[redacted]

Freie Universität Berlin



Das Präsidium
Abteilung Internationales

Freie Universität Berlin, Abt. IV - Internationales
Kaiserswerther Straße 16-18, 14195 Berlin

Referat IV B
Kaiserswerther Str. 16-18
14195 Berlin

[redacted]
Coordinator of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009)

United Nations
New York, NY 10017

Telefon +[redacted]
Fax +[redacted]
E-Mail [redacted]rlin.de
Internet www.fu-berlin.de
Bearb.-Zeichen IV B
Bearbeiter [redacted]
Zimmer [redacted]

In re: S/AC.49/2021/PE/OC.4

Berlin, 31.1.2021

[redacted]

Thank you very much for your letter from 4 January 2021. Please find the answers to your questions below:

1. The listing of FUB as a sister university on the website of the Kim Il Sung University is misleading, since no formal agreement between both universities has been signed. So far, only Letters of Intent regarding cooperation in the fields of humanities and social sciences have been exchanged.
2. From 3 to 24 January 2020, a group of 12 students from Kim Il Sung University attended a German language course within the framework of the Freie Universität Berlin International Summer and Winter University (FU-BiS) program at FUB. They were accompanied by two professors from their home university (please see the attached list for details). The visit was prepared in close cooperation with the German Foreign Office after detailed consultation with the German Ambassador to the DPRK, His Excellency [redacted]. All costs were borne by institutions from the Republic of Korea. During the whole time, the students had no access to FUB's WLAN or Intranet, no electronic devices were provided. Homework and other assignments were all hand-written.
3. No DPRK scholars have been affiliated with FUB since 2017.

Yours sincerely,

[redacted]

Institut national des langues et civilisations orientales (Inalco)


inalco
Institut national
des langues
et civilisations orientales

Référence
2021/UNSCPE/001
Service émetteur
Présidence
Téléphone
33 01 81 70 10 00
Mail
Secretariat.presidence@inalco.fr

Reference : S/AC.49/2021/PE/OC.6

Paris, 18 January 2021

Dear Madam/Dear Sir

In response to your letter regarding collaboration between Inalco and North Korean Kim Il Sung University, we inform you that our collaboration ended in 2017. Since then, we did not have any type of academic exchange or collaboration concerning research, technical partnership or education matter. We suspect a lack of updating in the Kim Il Sung website and we will ask them to delete incorrect information.

We assure the Panel of Experts that we respect the measures imposed on the Democratic People's Republic of Korea (DPRK) by the Security Council resolutions and we do not intend to reactivate colloboration with North Korea universities in the future.

Yours Faithfully

[redacted]

inalco
Institut national des langues et civilisations orientales

Comenius University in Bratislava

From: [redacted]
Sent: Thursday, 21 January, 2021 5:04 AM
[redacted]
Subject: Kim Il Sung University

Dear,

I am writing you regarding the letter demanding information about students and scientists from Kim Il Sung University who were or are at Comenius University in Bratislava. However, Comenius University in Bratislava has no bilateral agreement with any North Korean University. Neither there exist faculty agreements.
So, the information about bilateral agreement with Comenius University in Bratislava published at the website of Kim Il Sung University IS FALSE. We do not have any cooperation with them and do not host any of their students or scholars.

Sincerely Yours,
[redacted]

University of Tirana




REPUBLIC OF ALBANIA
UNIVERSITY OF TIRANA
DIRECTORATE OF INTERNATIONAL RELATIONS AND STUDENTS

No. 1001/1 Prot. Tirana, on 21 .01.2021

To: [redacted]
Coordinator of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009)

Dear [redacted]

Following the request send by the "Panel", where Kim Il Sung University has listed University of Tirana as a sister university and has conducted academic exchanges since 2017, I would kindly infom you that:

1-University of Tirana does not have any institutional agreement with Kim Il Sung University;

2- University of Tirana has not done any academic exchange with Kim Il Sung University;

3- No student from DPRK has studied at University of Tirana including current period;

4- No DPRK student scholars has been affiliated with University of Tirana since 2017 and current period;

Yours Faithfully,



RECTOR

[redacted]

Address: "Mother Teresa" Square, Rectorate UT, Tirana, Tel: +355 4 2250166/Fax: +355 4 22 39 81

Sofia University St. Kliment Ohridski

СОФИЙСКИ УНИВЕРСИТЕТ
„СВ. КЛИМЕНТ ОХРИДСКИ"
РЕКТОР



SOFIA UNIVERSITY
ST. KLIMENT OHRIDSKI
RECTOR

Sofia, 27th January 2021

[redacted]

COORDINATOR OF THE PANEL OF EXPERTS

Subject: Your reference S/AC.49/2021/PE/OC.11

[redacted]

In reference to your letter dated from 4th January 2021 and based on the internal investigation conducted on the issues you raised, we would like to provide you with the following clarifications:

1. Information on the current status of Sofia University's academic exchange with Kim Il Sung University:

During the period considered (since 2017 until now) Sofia University St. Kliment Ohridski has not maintained any bilateral relations with Kim Il Sung University. There is no evidence in our archives for either existing cooperation agreements or similar documents, or for any form of academic exchange between both institutions.

2. The total number of DPRK students who have studied at Sofia University since 2017, as well as the number of current DPRK students.

Information regarding students, citizens of the Democratic People's Republic of Korea (DPRK) that have been enrolled in bachelor programmes at Sofia University St Kliment Ohridski. Since 2017 until now Sofia University has provided education to 11 students under consideration in your letter:

БЪЛГАРИЯ, СОФИЯ 1504, БУЛ. ЦАР ОСВОБОДИТЕЛ 15
ТЕЛ.: +359 2 987 39 96, 930 82 07; ФАКС: +359 2 846 61 71
WWW.UNI-SOFIA.BG RECTOR@UNI-SOFIA.BG

BULGARIA, 1504 SOFIA, 15 TSAR OSVOBODITEL BLVD.
PHONE: +359 2 987 39 96, 930 82 07; FAX: +359 2 846 61 71
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СОФИЙСКИ УНИВЕРСИТЕТ
„СВ. КЛИМЕНТ ОХРИДСКИ"

РЕКТОР



SOFIA UNIVERSITY
St. KLIMENT OHRIDSKI

RECTOR

No	Student's degree	Programme	Grounds for admission	Year of enrolment	Current status
1	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2016/2017	Study suspended in February 2017
2	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2016/2017	Study suspended in October 2017
3	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2016/2017	Study suspended in July 2019
4	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2016/2017	Study suspended in July 2018
5	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2016/2017	Study suspended in September 2018
6	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2016/2017	Study suspended in July 2019
7	Full time BA Student	European Union and European Integration (BA)	Program for cooperation in the field of education and culture between the Government of the Republic of Bulgaria and the Government of the DPRK	2016/2017	Completed program requirements in June 2020 before graduation
8	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2018/2019	Ongoing study
9	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2019/2020	Ongoing study
10	Full time BA Student	European Union and European Integration (BA)	child of a diplomat	2019/2020	Ongoing study
11	Full time BA Student	Psychology	Program for cooperation in	2017/2018	Study suspended in

БЪЛГАРИЯ, СОФИЯ 1504, БУЛ. ЦАР ОСВОБОДИТЕЛ 15
ТЕЛ: +359 2 987 39 96, 930 82 07; ФАКС: +359 2 846 61 71
WWW.UNI-SOFIA.BG RECTOR@UNI-SOFIA.BG

BULGARIA, 1504 SOFIA, 15 TSAR OSVOBODITEL BLVD.
PHONE: +359 2 987 39 96, 930 82 07; FAX: +359 2 846 61 71
WWW.UNI-SOFIA.BG RECTOR@UNI-SOFIA.BG

СОФИЙСКИ УНИВЕРСИТЕТ
„СВ. КЛИМЕНТ ОХРИДСКИ"

РЕКТОР

SOFIA UNIVERSITY
ST. KLIMENT OHRIDSKI

RECTOR

			the field of education and culture between the Government of the Republic of Bulgaria and the Government of the DPRK		October 2019

All bachelor students listed above have not received funding in the form of scholarships, grants or other financial aid provided by Sofia University St. Kliment Ohridski. Master or doctoral students, citizens of DPRK, have not been enrolled at Sofia University since 2017.

3. Confirmation if any scholars have been affiliated with Sofia University since 2017.

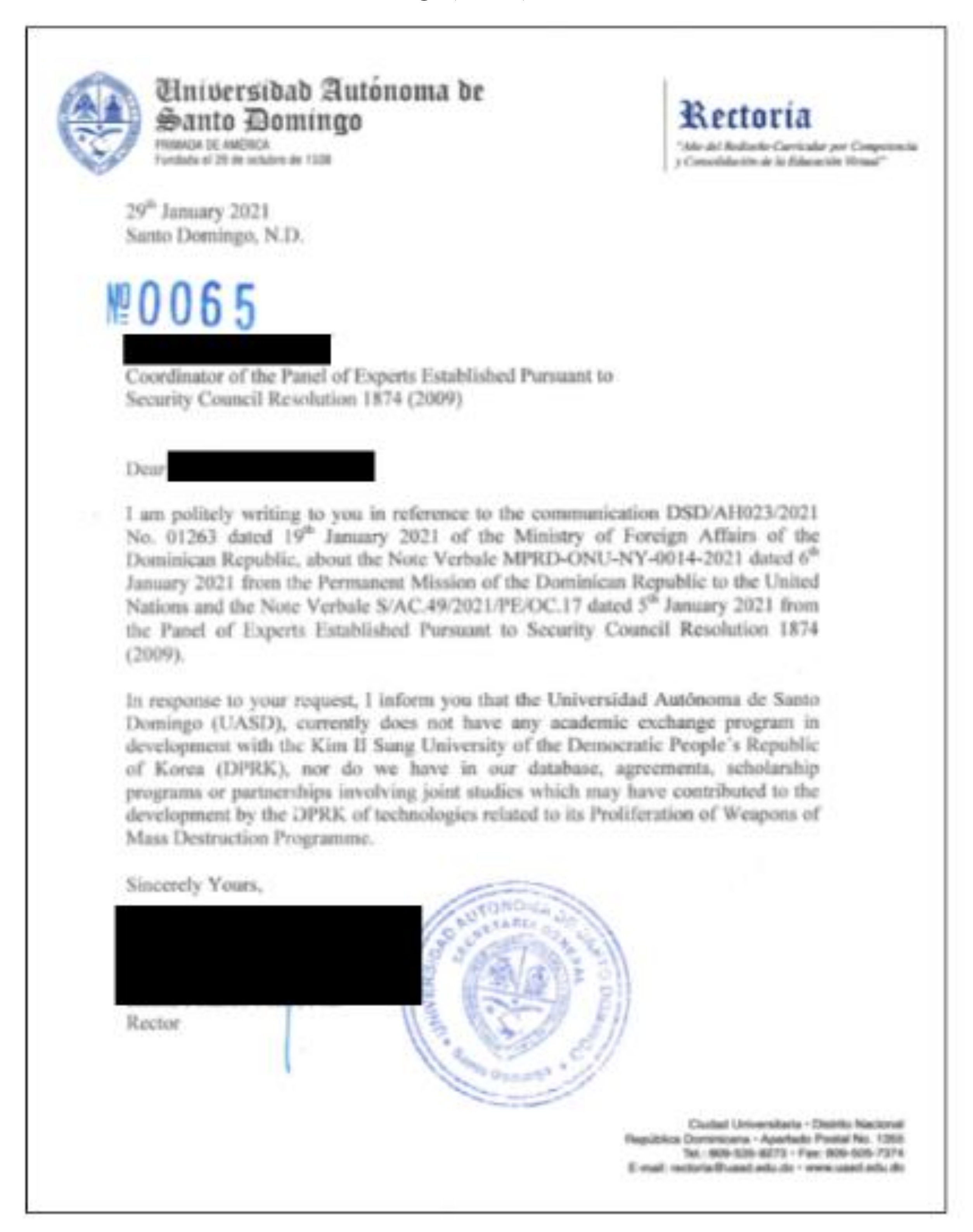
We confirm that during the period under review there is no evidence of any scholars, citizens of the Democratic People's Republic of Korea, who have been affiliated with Sofia University.

SOFIA UNIVERSITY
ST. KLIMENT OHRIDSKI
[redacted] Osvoboditel Blvd

Yours faithfully,

[redacted]

Universidad Autónoma de Santo Domingo (UASD)


Universidad Autónoma de Santo Domingo
PRIMADA DE AMÉRICA

Rectoria

29th January 2021
Santo Domingo, N.D.

№0065

[redacted]
Coordinator of the Panel of Experts Established Pursuant to Security Council Resolution 1874 (2009)

Dear [redacted]

I am politely writing to you in reference to the communication DSD/AH023/2021 No. 01263 dated 19th January 2021 of the Ministry of Foreign Affairs of the Dominican Republic, about the Note Verbale MPRD-ONU-NY-0014-2021 dated 6th January 2021 from the Permanent Mission of the Dominican Republic to the United Nations and the Note Verbale S/AC.49/2021/PE/OC.17 dated 5th January 2021 from the Panel of Experts Established Pursuant to Security Council Resolution 1874 (2009).

In response to your request, I inform you that the Universidad Autónoma de Santo Domingo (UASD), currently does not have any academic exchange program in development with the Kim Il Sung University of the Democratic People's Republic of Korea (DPRK), nor do we have in our database, agreements, scholarship programs or partnerships involving joint studies which may have contributed to the development by the DPRK of technologies related to its Proliferation of Weapons of Mass Destruction Programme.

Sincerely Yours,

[redacted]

Rector

Ciudad Universitaria - Distrito Nacional
República Dominicana

Cairo University (Egypt)

[Translation from Arabic]

3 February 2021

Sir,

I write in reference to your letter dated 5 January 2021 (S/AC.49/2021/PE/OC.14). I have the honour to note that the relevant Egyptian agencies have reported the following:

I. With regard to the cooperation agreement between Cairo University and Kim Il Sung University:

1. The agreement in question was signed in July 2011. It has not been implemented since it was signed. No student or research exchange has been carried out under it (please find annexed the text of the agreement in the three languages).

2. Article 8 of the agreement states that it shall be valid for three years and automatically renewable for another three years only. The agreement would therefore have expired in July 2017.

II. With regard to faculty members or academic researchers from the Democratic People's Republic of Korea affiliated with Cairo University since 2017:

There are no faculty members or academic researchers who are nationals of the Democratic People's Republic of Korea currently affiliated with Cairo University, nor have there been any affiliated since 2017.

Accept, Sir, the assurances of my highest consideration.

Mohamed Edrees

Ambassador

Permanent Representative of Egypt to the United Nations

(Original)

Permanent Mission of the Arab Republic
Of Egypt to the United Nations



البعثة الدائمة لجمهورية مصر العربية
لدى الامم المتحدة

304 East 44th Street / New York, NY 10017
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CHAN/2021/068/BH
٣ فبرايــر ٢٠٢١

[redacted]
منسق فريق خبراء مجلس الأمن المنشأ بالقرار ١٨٧٤(٢٠٠٩)

تحية طيبة وبعد،

بالإشارة الى خطابكم رقم S/AC.49/2021/PE/OC.14 بتاريخ ٢٠٢١/٠١/٥، أتشرف بالإحاطة بأن الجهات المصرية المعنية قد أفادت بما يلى:

أولاً: فيما يتعلق باتفاق التعاون بين جامعة القاهرة وجامعة كيم إيل سونج:

١- تم توقيع الاتفاق المشار إليه في يوليو ٢٠١١ ولم يتم تفعيله منذ توقيعه ولم يتم على أساسه إجراء أي تبادل طلابي أو بحثي (مرفق نص الاتفاق باللغات الثلاثة).

٢- وفقاً للمادة الثامنة من الاتفاق، فإنه يسري لمدة ثلاث سنوات ويجدد لثلاث سنوات فقط، ومن ثم فإن الاتفاق يعد منتهياً منذ يوليو ٢٠١٧.

ثانياً: فيما يتعلق بوجود أعضاء بهيئات التدريس أو باحثين أكاديميين من جمهورية كوريا الديمقراطية الشعبية ملحقين بجامعة القاهرة منذ عام ٢٠١٧:

لا يوجد أي أعضاء بهيئة التدريس أو باحثين أكاديميين من رعايا جمهورية كوريا الديمقراطية الشعبية ملحقين حالياً أو تم إلحاقهم سابقاً بجامعة القاهرة منذ عام ٢٠١٧.

وتفضلوا بقبول وافر الاحترام،

د/ السفير / محمد ادريـــس
[redacted]
مندوب مصر الدائم لدى الأمم المتحدة

(annex: English text only)

Agreement on Friendship, Exchange and Cooperation in Fields of Education and Scientific Research Between Kim Il Sung University of the Democratic People s Republic of Korea and Cairo University of the Arab Republic of Egypt

****

Kim Il Sung University of the Democratic People s Republic of Korea and Cairo University of the Arab Republic of Egypt (hereinafter referred to as both Parties) desirous to develop friendly relations and promote exchange and cooperation in the fields of education, scientific research and training of mutual concern between the two Parties in accordance with the " Agreement on Cultural cooperation between the Government of the Democratic People s Republic of Korea and the Government of the Arab Republic of Egypt" have agreed as follows:

Article 1 :-

Both Parties, in order to strengthen friendship and cooperation between the two universities, shall establish friendly relations.

Article 2 :-

Both Parties shall exchange congratulatory letters and organize various activities according to their given situations on the occasion of the other s national holidays, and other commemoeative days of the universities.

Article 3 :-

Both Parties shall exchange achievements and experiences gained in the fields of education and scientific research.

Article 4 :-

Both Parties shall undertake joint research relative to the issues of mutual concern and, if necessary, jointly organize workshops and training course and exchange visits of experts.

Article 5 :-

Both Parties shall encourage the students of Kim Il Sung University to study in Cairo University upon mutual agreement.

Article 6:-

Both Parties shall exchange delegations for the Purpose of sharing experiences and joint research, and the sending Party shall be responsible for round-trip expenses and the receiving Party shall be responsible for boarding and lodging, local transport and first aid.

Article 7 :-

This Agreement may be altered by mutual written consent of both Parties.

Article 8 :-

The Present Agreement shall enter into force for a period of three years on the day of signature by both Parties. It shall be renewed for another three years unless written notice is given six months before the termination by one of the Parties.

Done in two copies each in Korean, Arabic and English languages, all the texts being equally authentic.

President of	**President of**
Cairo University	**Kim Il Sung University**
[redacted]	**Prof.Dr. Song Ja Rip**
Date:	2011/ 6/23
20/7/2011	Pyongyang

The University of Algiers I (Algeria)



الجمهوريـــة الجزائريـــة الديمقراطيـــة الشعبيـــة

REPUBLIQUE ALGERIENNE DEMOCRATIQUE ET POPULAIRE

INFORMATION PROVIDED BY THE GOVERNMENT OF ALGERIA ON ACADEMIC EXCHANGES BETWEEN UNIVERSITY OF ALGIERS AND THE DPRK'S KIM II SUNG UNIVERSITY

Further to the request of the Panel of Experts established pursuant to the United Nations Security Council Resolution 1874 (2009) to gather and analyse information regarding the implementation of the measures imposed on the Democratic People's Republic of Korea (DPRK) by the Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017, 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017), with regard to academic exchanges between University of Algiers and the DPRK's Kim II Sung University, the Government of Algeria would like to convey the following:

1- The University of "Algiers I" does not conduct any action of cooperation or exchange with DPRK's Kim II Sung University.

2- The information reported on the website of DPRK's Kim II University are unfounded and seems to refer to the minutes (*PV*) of the meetings held between the delegations of the two countries, signed in Pyongyang on August 6, 2014, under which it was envisaged to encourage cooperation between the two countries through inter-university twinning operations, in particular between the University of Algiers II and DPRK's Kim II Sung University.

3- It is worth mentioning that this proposal remained a simple declaration of intent and the twining operation was not implemented.

Source: The Panel

Annex 10: A new ICBM system[3] was revealed in the military parade of 10 October 2020 in Pyongyang, televised by KCTV

In the wake of the Hwasong-15 ICBM (KN-22)[4], the four new ICBMs[5] presented on their new Transporter Erector Launcher (TEL) were probably genuine missiles not mockups according to a Member State, though the new ICBM has never been tested in flight. They are longer and have a larger diameter[6] than the Hwasong-15, which is 20.5m in length and 2.5m in diameter, and is theoretically capable of flying over 13,000 km (see S/2018/171 para.10). All of the new ICBMs were transported on eleven axle TELs (see figure 10-1).

According to several Member States, the new ICBM's warhead capacity appears to have increased, either for accommodating a larger payload or for deploying multiple reentry vehicles (MRV or MIRV)[7], although this remains to be confirmed.

The new ICBM has two liquid fuel propulsion stages. According to a Member State, its mass at takeoff will be around 105 tons. It is likely to be able to deliver a 1,700 kg payload mass (estim.) at a range of approximately 14,000 kilometers eastward and 10,500 km westward. Following the example of Hwasong-15, this new missile can reach the whole of Europe and the United States, but with a more threatening payload.

Concerning the 1st stage motorization, four nozzles under protection cover are recognizable, against two mobile nozzles of the Hwasong-15. These four nozzles may indicate the use of two DPRK versions of the twin-combustion chamber RD-250 engine, which would imply the use of two turbo pumps. (see S/2018/171 para.14-15)

According to a Member State's assessment, the TEL with 11 axles (the greatest number of axles for a transporter of this kind) is manufactured in the DPRK, providing greater carrying capacity than the 9 axle TEL for the Hwasong-15, which was derived from the six WS51200 off-road trucks imported by DPRK in 2011 as vehicles for transporting timber (see S/2013/337 paras. 52-58).

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[3] Using the term "system", the Panel describes the system consisting of the missile and its TEL;

[4] Regarding the exact number of the entities one spare or more systems may have been kept out of the parade to be available to replace a possible breakdown of a vehicle. This practice is common in military parades. According to a rigorous photo-analysis by NK-NEWS/NK-PRO website on the 26 November 2020, there was a fifth Hwasong-15 intercontinental ballistic missile (ICBM) that was not seen in initial state media coverage of the parade. This practice of bringing an extra vehicle for each group, meant to fall in line in case of a problem, is common at North Korean military parades (https://www.nknews.org/pro/new-photo-reveals-extra-standby-icbm-at-north-koreas-military-parade/?t=1610062338850)

[5] The new super large ICBM (so far unnamed by the DPRK) is temporarily dubbed "Hwasong-16" by observers.

[6] The measurement assessment of the ICBM-TEL system was calculated from the KCTV pictures by various experts:

- see "North Korea showcases world's largest mobile ICBM" Jane's Intelligence Review, 03 Dec 2020 available from https://customer.janes.com/Janes/Display/FG_3805327-JIRThe measurements of the **new ICBM are a length of 25.2 m and a diameter of 2.73m** within plus or minus 5%
- The measurements of the **eleven axle TEL are a length of around 29.5m and a width of around 4m.**
- see "Does Size Matter? North Korea's Newest ICBM",38 North, 21 October 2020, available from https://www.38north.org/2020/10/melleman102120/The measurements of the **new ICBM are a length between 24 and 25m** and **a diameter between 2.4 and 2.5m**.
- Its mass, fully fueled, is somewhere **between 80,000 and 110,000 kg.**

[7] MRV: multiple reentry vehicle; MIRV: multiple independent reentry vehicle,

Figure 10-1: The new ICBM revealed in the military parade of 10 October 2020 in Pyongyang



Source: KCTV

Annex 11: a new MRBM/SLBM Pukguksong-4 was revealed in the military parade of 10 October 2020 in Pyongyang broadcast by KCTV as well as a new SLBM Pukguksong-5 in the military parade of the 14 January 2021

The four Pukguksong-4 were introduced as “underwater strategic ballistic missiles” and thus probably a new type of SLBM[8]. It is assumed to be a modified type of which the size has been enlarged (diameter close to 2m) compared to the Pukguksong-1 and Pukguksong-3 (diameter between 1.5m and 1.7m) (see S/2020/151 para.197 annex 58.7; S/2017/742 annex 4).

Due to the shroud dimension, the Pukguksong-4 may contain several reentry vehicles such as MIRV though this remains to be confirmed. According to a Member State, its maximal range is estimated to be between 3,500 and 5,400 km for payloads of 1,300 kg and 650 kg respectively. This is an improvement in comparison with the Pukguksong-3 (max. range close to 2,500km). Moreover, to reduce the weight of the casing from the first Pukguksong missiles, composite fibre may have been used in the structure of the outer coating as the filament patterns are visible on the black cylinder surface shown by KCTV images. (see figure 11-1 and S/2019/171 para. 5)

Currently, no operational North-Korean submarine appears to be able to launch the Pukguksong-4 although , on 23 July 2019, the Democratic People’s Republic of Korea presented a submarine under construction in the building of the Sinpo south shipyard potentially capable of carrying ballistic missiles (see S/2020/151 para. 196, annex 60)

The four Pukguksong-5 in the 14 January 2021 military parade were introduced by KCNA as “The world's most powerful weapon, submarine-launch ballistic missile...”[9] The design of the Pukguksong-5 seems longer than the Pukguksong-4. The cone of its shroud seems more elongated. This new SLBM is expected to have a greater range and warhead carrying capacity than the Pukguksong-4 (See figure 11-2)

[8] DPRK printed “PKS-4 ㅅ” and “PKS-5 ㅅ”

[9] KCNA: “The submarine strategic ballistic missile, the world’s strongest weapon, entered the square in succession powerfully demonstrating the might of the strong revolutionary army with military and technological upperhand of the world,”

Figure 11-1: A new MRBM/SLBM Pukguksong-4 was revealed in the military parade of 10 October 2020 in Pyongyang



Source: KCTV (Image), The Panel (Text)

Figure 11-2: New MRBM/SLBM Pukguksong-5, larger than Pukguksong-4, was revealed in the military parade of the 14 January 2021 in Pyongyang (yellow dotted line marks the shroud of Pukguksong-4)



Source: KCTV (Image), The Panel (Text)

Annex 12: Three types of SRBM missile were exhibited during the military parade of 10 October 2020 in Pyongyang broadcast by KCTV

These missiles were identified as the short-range ballistic missiles KN-23, KN-24 and KN-25 (see S/2020/151, annex 59) which are solid fuel propelled, that the DPRK test-launched on numerous occasions from 2019. Moreover, with their solid fuel propulsion, a distinctive feature of these new missiles is their use of depressed trajectory and irregular trajectory, which is the result of terminal phase manoeuvring, according to a Member State. (see S/2020/151, para 194; S/2020/840 para.11, annex 7).

According to a Member State, all these missiles will eventually replace the liquid fuel Scud family ballistic missiles such as so-called Rodong, Scud, Musudan types that appeared in past DPRK military parades but not in this last one on 10 October 2020 (see Parade of April 2017, S/2017/742 Para.8). They symbolize the renewal of the DPRK ballistic threat through the ongoing modernization of its BM capability. (see S/2019/171 annex 84)

Except for the new super large ICBM, all BMs presented in this parade have been test-launched including “Pukguksong-2”, “Hwasong-12” and “Hwasong-15” in 2017 (see S/2018/171 para.7, 9) as well as three different types of SRBM after May 2019.

The military parade showed that, as previously reported by the Panel, the SRBM could be launched from wheeled and or caterpillar track TELs.

- Nine KN-25 Super large multiple rocket launcher wheeled and 4 rounds[10] systems
- Nine KN-25 Super large multiple rocket launcher caterpillar track and 6 rounds systems
- Nine KN-25 Super large multiple rocket launcher wheeled and 5 rounds systems
- Eight SRBM KN-23 wheeled and 2 rounds systems
- Eight SRBM KN-23 caterpillar track and 2 rounds systems
- Nine SRBM KN-24 caterpillar track and 4 rounds systems

According to a Member State, the DPRK appears to be enhancing operational employment efficiency by diversifying types of TEL and the number of rounds of the super-large multiple rocket launcher such as 4, 5 (new) and 6 rounds (see figure xx3-1) following a trend confirmed in 2019 (see S/2020/151 para.194 and S/2020/840 annex 7)

Six new SRBM sytems (2 missiles mounted on 5 axle wheeled TEL) in the second military parade on 14 January 2021 have a design close to the KN-23 (see above). But the SRBM seems to be longer and possibly wider. If it is confirmed, this new SRBM is expected to have a greater range and warhead carrying capacity than the KN-23 (See figure xx3-2)

[10] Using the term 'rounds' the Panel describes how many missiles are mounted on one TEL for launch from that TEL

Figure 12-1: Three types SRBM KN-25, KN-23, KN-24 were exhibited during the military parade of 10 October 2020 in Pyongyang, broadcast by KCTV



Source: KCTV (Image), Member States and Panel (Text)

Figure 12-2: A new SRBM (resembles KN-23) was revealed in the military parade of 14 January 2021 in Pyong-yang, broadcast by KCTV (new SRBM seems to be larger than KN-23 and its TEL has 5 axles)



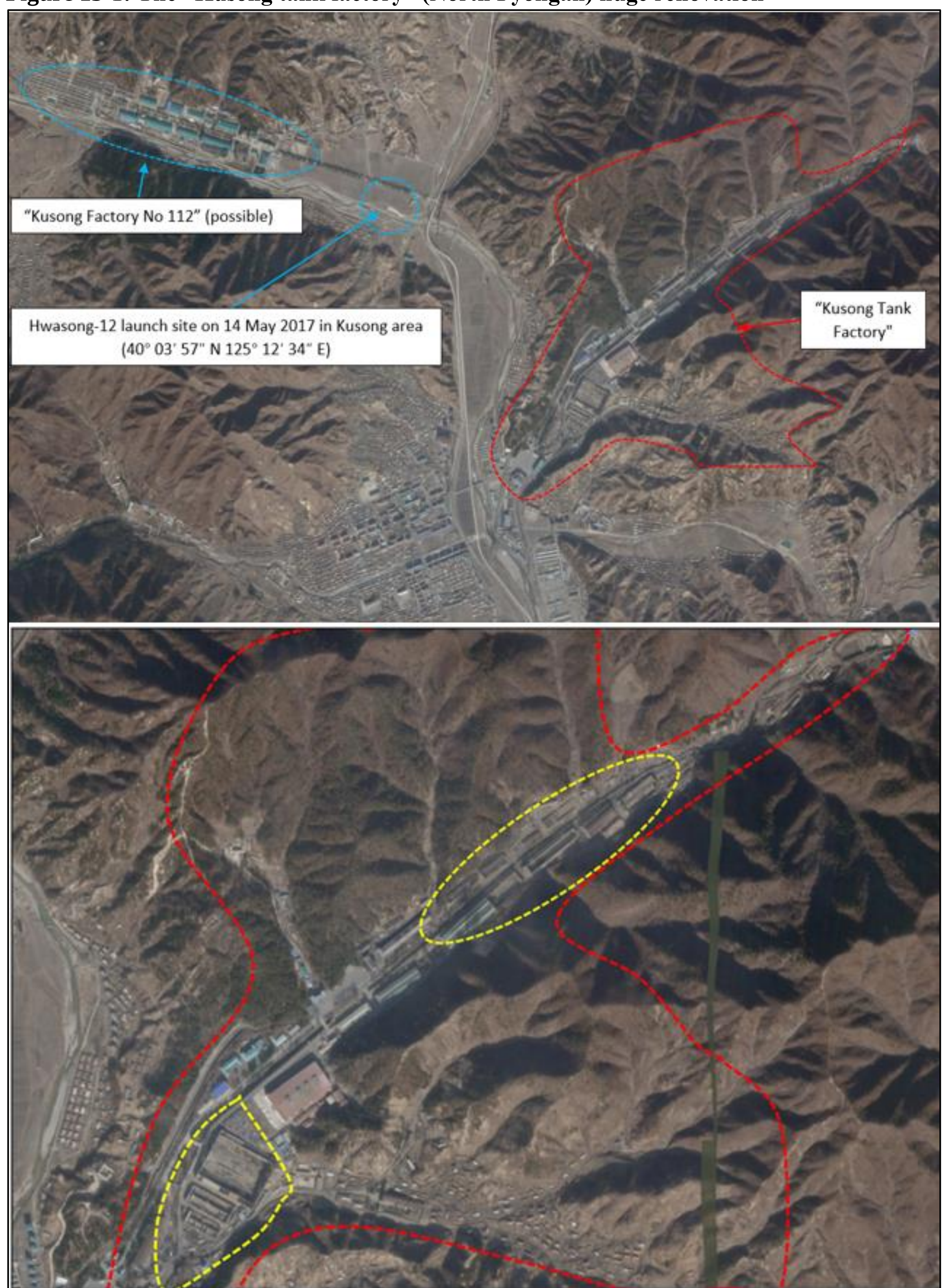
Source: KCTV (Image), Member States and the Panel (Text)

Annex 13: The overall modernization of the Kusong factory handling BM TEL production demonstrates the development trend of BM programme infrastructure

The “Kusong Tank Factory” (aka “Kusong-Taegwan”, “Tank Plant - 95 Factory”, “No 95 Factory” in North Pyongan), whose main facilities are located in the northeast oriented valley (from the location 40° 03′ 13″ N 125° 13′ 08″ E) is currently undergoing overall modernization. This factory is involved in the production of TELs such as the Pukguksong-2 TEL and could potentially produce other TELs for BM (see figure 13-1) the area delimited by dotted red lines). Through this overall improvement, DPRK could increase its production of caterpillar tracked TELs.

A massive plan of building demolition and new construction has been underway since August 2020: at the southwest of the complex (40° 03′ 23″ N 125° 13′ 20″ E) and at the northeast (40° 03′ 50″ N 125° 13′ 57″ E) (see figure 13-1 the two areas delimited by dotted yellow lines).

Figure 13-1: The "Kusong tank factory" (North Pyongan) huge renovation



Source: Planet Labs Inc. 5 Dec. 2020, 02 58 UTC; 4 Dec. 2020, 02 56 UTC

Demolition and new construction in the south-west zone (SW) of the factory:

Two parallel large buildings and three smaller ones, oriented SW-NE were demolished between 6 August and October 2020, as well as two groups of factory buildings located at the southern part of the area (see Figure 13-2 dotted yellow lines) in the Kusong-Taegwan / Tank factory or Plant - 95 Factory (south-west corner 40° 03′ 12″ N 125° 13′ 06″ E; north-east corner limit 40° 04′ 17″ N 125° 14′ 37″ E). Subsequently, new constructions have started in this area. In particular, construction of a new factory building with a trapezoidal shape surface (see **SW1** at 40° 03′ 27″ N 125° 13′ 22″ E, see Figure 13-2,3) (longest base 85m, smallest base 55m, depth 60m) was well advanced in September.

The demolition of the five buildings at the north section was in progress during August 2020. A new factory building **(SW1)** whose surface shape is like a parallelogram was roofed.

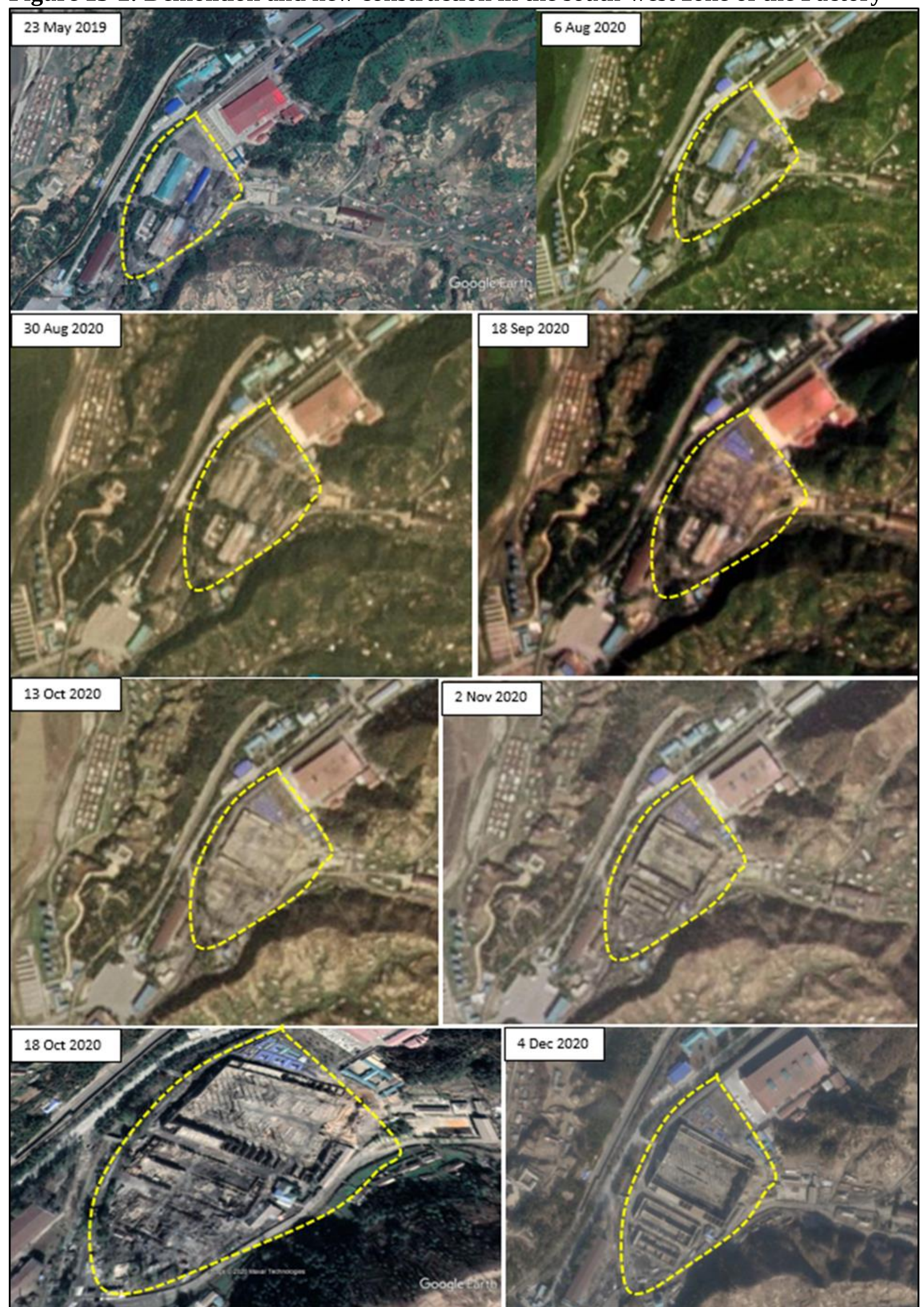
On 18 Sept 2020, the demolition of the five buildings at the north section was almost finished. The demolition of the two groups at the south section was in progress and a large, new factory building, rectangular in shape, is under construction(150x140m). (see **SW2** at 40° 03′ 23″ N 125° 13′ 21″ E, see Figure 13-2,3).

On Oct 13, the demolition of the five buildings was completed as was that of the two groups in the south section. The new factory building (**SW1** parallelogram shape) is still in progress as is the large new rectangular structure (SW2, see Figure 13-2) (150x140m)

On Nov 2, all demolitions were finished. Construction of the new factory building (**SW1** parallelogram shape) is still in progress as well as the new structures **SW2.** The construction of two new buildings (**SW3** at 40° 03′ 20″ N 125° 13′ 19″ E and **SW4** at 40° 03′ 18″ N 125° 13′ 18″ E) is in progress (see Figure 13-2,3).

In early December the construction of the three new building was in progress (**SW2**, **SW3, SW4**) and **SW1 appears** almost finished. (see Figure 13-3).

Figure 13-2: Demolition and new construction in the south-west zone of the Factory



Source: Google Earth, 23 May 2019; Planet Labs Inc. 6 Aug. 2020, 02 39 UTC; Planet Labs Inc. 30 Aug. 2020, 01 40 UTC; Planet Labs Inc. 18 Sep. 2020, 01 46 UTC; Planet Labs Inc. 13 Oct. 2020, 02 39 UTC; Planet Labs Inc. 2 Nov. 2020, 02 39 UTC; Google Earth, 18 Oct. 2020; Planet Labs Inc. 4 Dec. 2020, 02 56 UTC

Figure 13-3: Focus on the demolition of several buildings and new constructions on the site SW (South-west corner: 40° 03′ 17″ N 125° 13′ 16″ E; Northeast corner: 40° 03′ 26″ N 125° 13′ 29″ EE) from Aug 2020

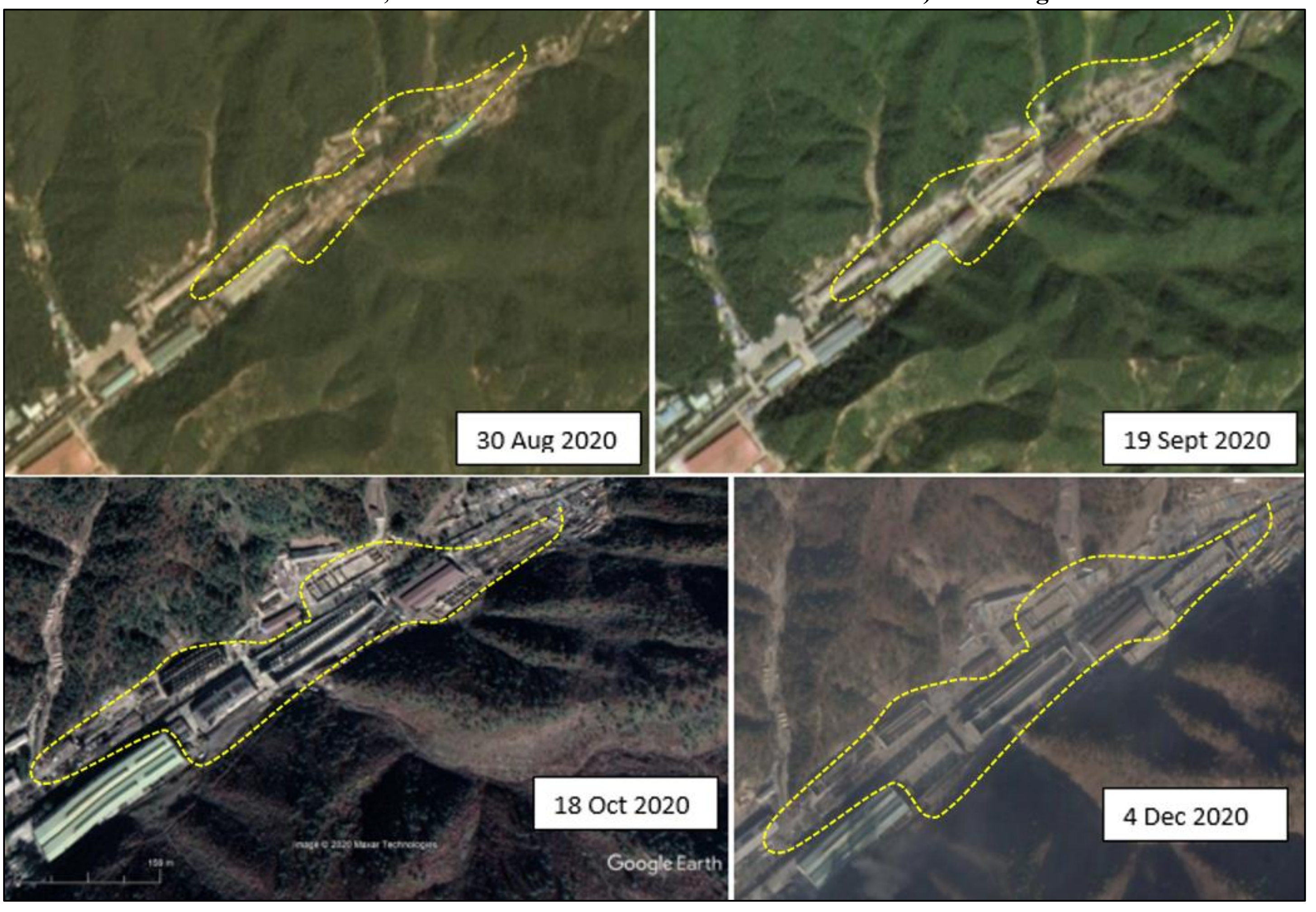


Source: Google Earth, 23 May 2019; Planet Labs Inc. 4 Dec. 2020, 02 56 UTC

<u>Demolition and new construction in the north-east (NE) zone of the Factory:</u>

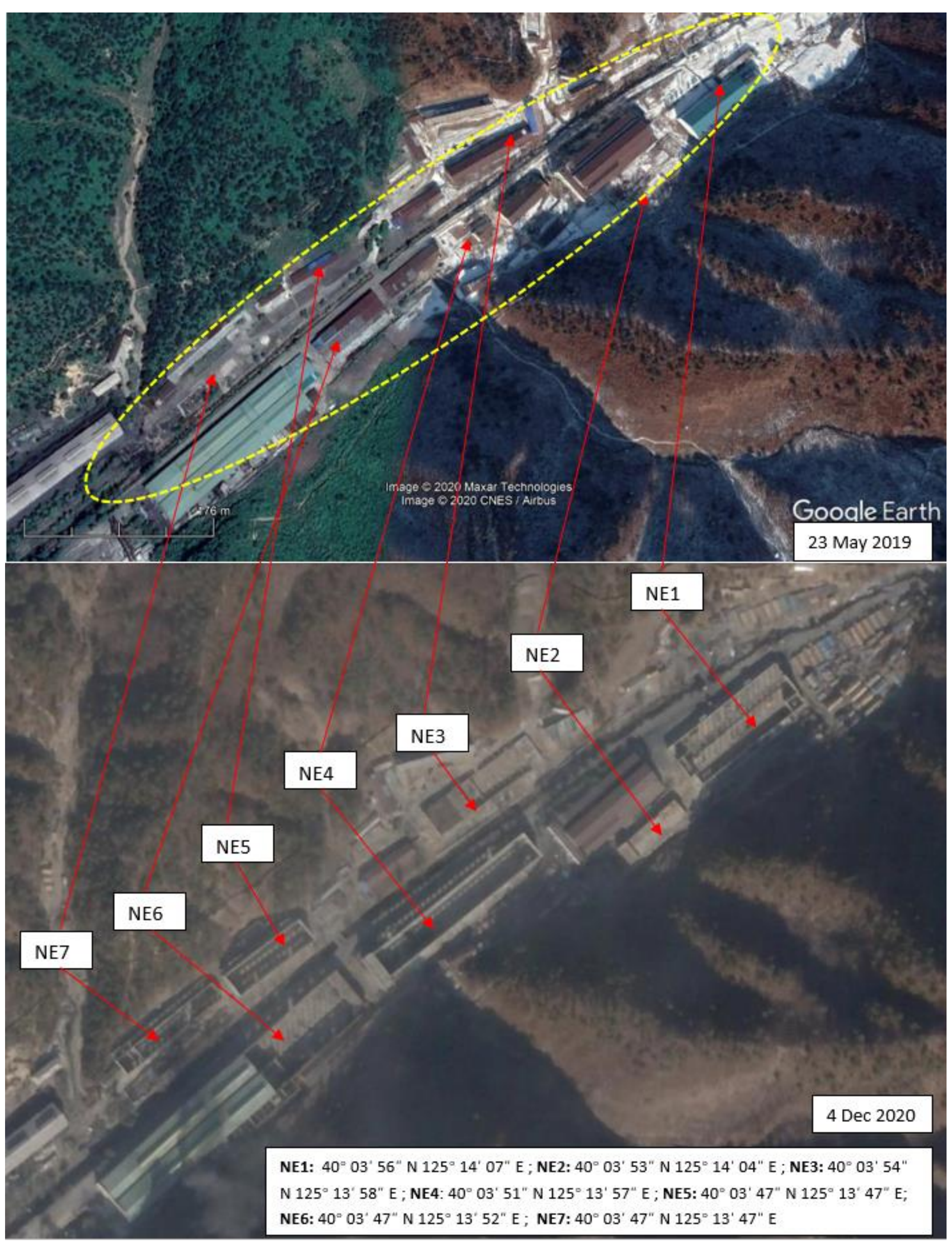
Several buildings oriented southwest-northeast have been demolished from August 6th to October 2020 along the valley (see figure 13-4 dotted yellow lines) in the Kusong-Taegwan - Tank factory or Plant - 95 Factory. (south-western corner 40° 03′ 45″ N 125° 13′ 45″ E; north-eastern corner limit 40° 03′ 57″ N 125° 14′ 09″ E) Subsequently new constructions have started in this area (figure 13-5).

Figure 13-4: Demolition of several buildings and new construction on the site NE (southwest corner: 40° 03′ 47″ N 125° 13′ 47″; northeast corner: 40° 03′ 56″ N 125° 14′ 08″ E) from Aug 2020



Source: Google Earth, 23 May 2019; Planet Labs. Inc. 30 Aug. 2020, 02 08 UTC; 19 Sep. 2020, 02 38 UTC; Google Earth, 18 Oct. 2020; Planet Labs Inc. 4 Dec. 2020, 02 56 UTC

Figure 13-5: Focus on Demolition of several buildings and new construction on the site NE (southwest corner: 40° 03′ 47″ N 125° 13′ 47″; northeast corner: 40° 03′ 56″ N 125° 14′ 08″ E) from Aug. 2020

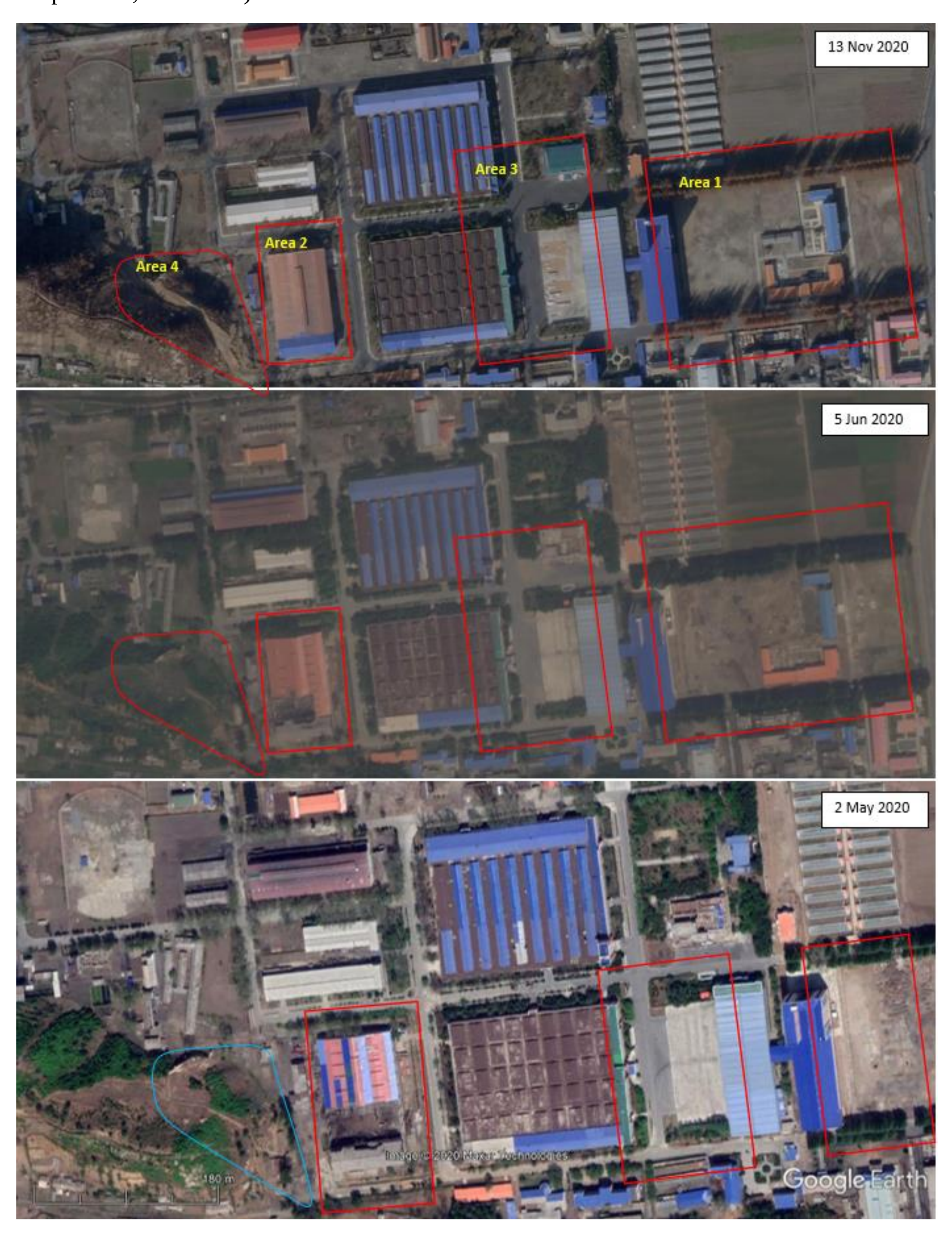


Source: Google Earth, 23 May 2019; Planet Labs Inc. 4 Dec. 2020, 02 56 UTC

Annex 14: Developments at the Pyongsong March 16 factory automotive plant (South Pyongan)

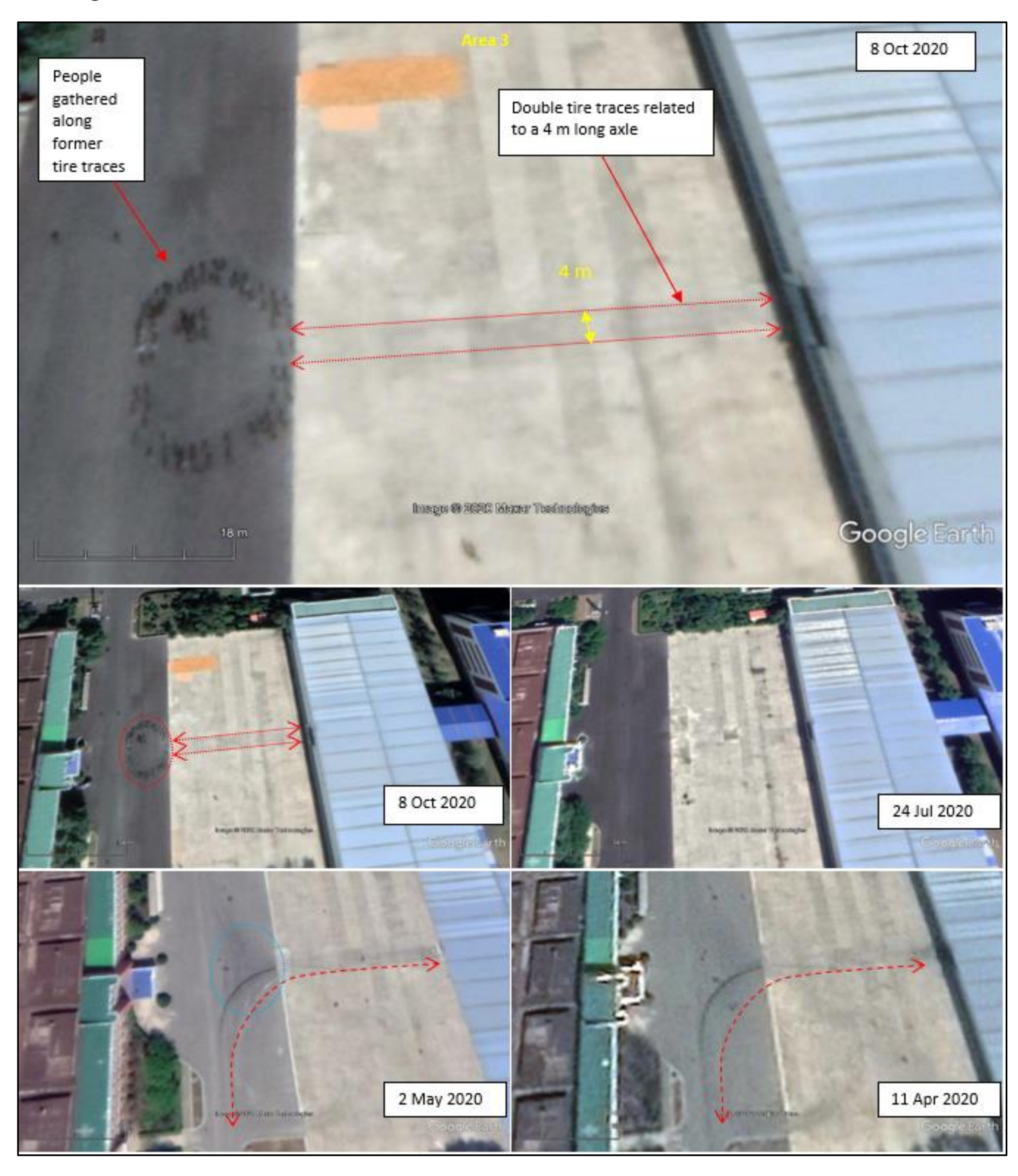
The transformation of the site continues with a new track dug through the southwest hill located at the edge of the factory site, treatment of the concrete slab surface and general cleaning of the factory. Various activities have been detected in front of the building where the Hwasong-15 was assembled in 2017 before the ICBM test launch on 29 November 2017 that could be related to TEL preparation.

Figure 14-1: The surroundings of the new adjacent building (39°16'52.08"N 125°52'12.76"E) are clean (see area 1); **the renovation of the western building (39° 16′ 52″ N 125° 51′ 57″ E) seems to be finished** (see area 2). A **new track** (a possible future road or a wider track for TEL testing) that has been dug through the southwest hill located at the edge of the factory site is under construction from the south-east point 39° 16′ 49″ N 125° 51′ 54″ E to a northwest point 39° 16′ 53″ N 125° 51′ 48″ E (sea are 4). (see S/2020/840 para. 15, Annex.11)



Source: Planet Labs Inc. 13 Nov. 2020, 05 12 UTC; 26 Jun. 2020, 05 16 UTC; Google Earth, 2 May 2020

Figure 14-2: The activity of large vehicles continued to be detected between July and 8 October 2020 with tracks from tires possibly left by wheels mounted on around 4 m long axles in front of the building (area 3). This new larger tire tracks could correspond to tracks left by a larger TEL than the Hwasong-15's TEL movements up to October 2020 because the measurement of the width is in range from 3 m to 4 m. They could be related to the new ICBM revealed during the 10 October Military Parade in Pyongyang whose TEL width is around 4 m. On 8 October workers seemed to be gathered in front of the building along an ellipse resembling the pattern of possible tracks let by the tires of the large axels. They appeared to be cleaning the tire tracks from the surface.



Source: Google Earth, 8 Oct. 2020; 24 Jul. 2020

Figure 14-3: Activity related to several vehicles and containers (up to 18 m) was detected from 13 November 2020 to 20 November 2020 in front of the building (see area 3) where the Hwasong-15 was assembled in 2017 before the ICBM test launch on 29 November 2017. At the same time, the concrete slab surface appeared to have been treated in some way.



Source: Planet Labs Inc. 13 Nov. 2020, 05 12 UTC

Annex 15: Activity observed at the Sinpo south shipyard since July 2020 (see Figure 15-1) and at the Nampo naval shipyard

At the **Sinpo south shipyard**, activity observed at **the secure boat basin** (40° 01′ 31″ N 128° 09′ 55″ E) since July 2020 could be related to the handling of submarine-launched ballistic missiles or preparations for a further submarine-launched ballistic missile launch test.

- The midget submarine which looks like a narrow container was removed after 15 September from its position on the dock. However, 3 to 4 new containers were positioned on **Nov 4** at the south west corner of the dock of the secure basin (40° 01′ 31″ N 128° 09′ 55″ E) (See Figure 15-2)and on **7 November** a white container (length around 12m) appeared on the dock ten meters from the North-eastern corner of the canopy (See Figure 15-4).

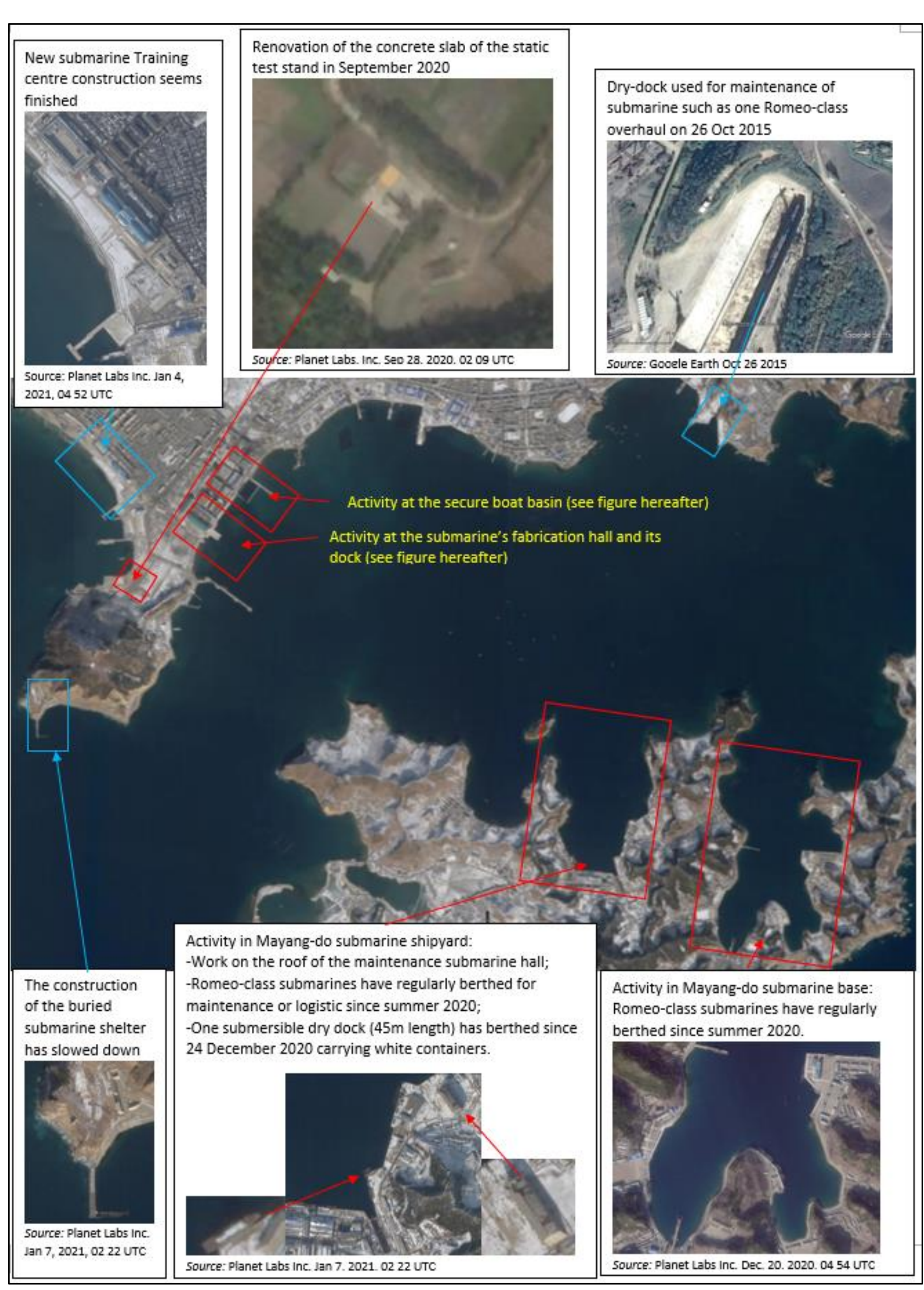
- The support vessel and submersible test barge had moved from their positions inside the basin as of **Nov 5 and Nov 29** (See Figure 15-3), while a side of the Sinpo-class SSB presumably berthed under the canopy was more visible from 3 December**.** (See Figure 15-4)

An activity probably related to the reparation or to the upgrading of the dock was detected **on Nov 4** in front of the entrance of the construction hall (40° 1'20.76"N 128° 9'46.55"E) where presumably the Romeo-class submarine, potentially to be equipped with SLBM, is currently being built (see S/2020/151 annex. 60). (See Figure 15-5)

At the **Nampo naval shipyard**, a new twin-building for the construction or maintenance of vessels (125m length, 38° 43′ 14″ N 125° 23′ 52″ E) has been under construction since 2018, replacing a shorter old twin-building (90 m). The launch dock (38° 43′ 12″ N 125° 23′ 52″ E) in front of the twin-building was renovated and its length was extended up to around 40 m from building doors. Because of the comparison with the Sinpo construction Hall (see Figure 15-5) this building could be used for the support or construction of the submarines.

Since December 2020, logistics activities appeared between this site and the secure basin boat where the submersible test stand barge is located. During the observed period between April and December 2020, the submersible test stand barge moved within the basin (see S/2020/151 annex 58-7.3). A possible support vessel related to the submersible test barge moved from the basin in November 2020. After 22 November 2020, the submersible barge did not clearly appear but a new larger drydock or barge (around 30m x 15m) appeared in December 2020 (see Figure 15-6).

Figure 15-1: Sinpo south shipyard and Mayang-do island shipyard and submarine base overview.



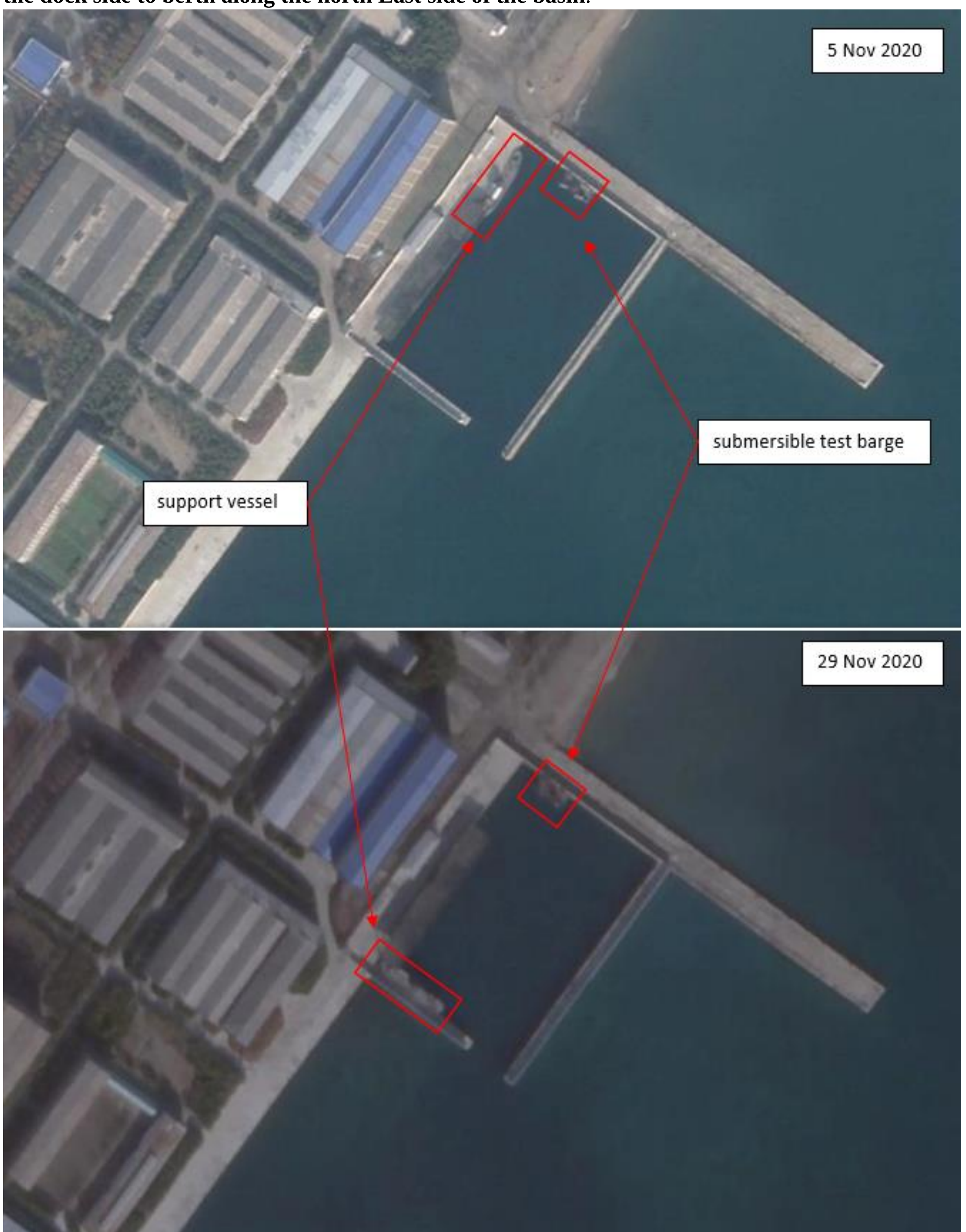
Source: Planet Labs. Inc. 7 Jan. 2021, 02 22 UTC; 4 Jan. 2021, 04 52 UTC; Google Earth, 26 Oct. 2015

Figure 15-2: Secure boat basin: The possible midget submarine or narrow container which was on the dock since May 2020 was removed from 15 September. 3-4 containers (length around 11-12 m) were visible until Nov 4 on the dock (40° 01′ 31″ N 128° 09′ 55″ E)



Source: Planet Labs Inc. 9 Sep. 2020, 04 57 UTC ; 15 Sep. 2020, 04 54 UTC ; 4 Nov. 2020, 04 58 UTC

Figure 15-3: A support vessel (length around 50m) moved from the north corner of the secure boat basin to the south west corner between Nov 5 and Nov 29. The submersible test barge moved from the dock side to berth along the north East side of the basin.



Source: Planet Labs. Inc Nov 5, 2020 02 25 UTC ; Nov 29, 02 47 00 2020 UTC

Figure 15-4: On 7 November a white container (length around 12m) appears on the dock. The side of the Sinpo-class SSB presumably berthed under the canopy is visible on the Dec 3

a white container (length around 12m) appears on the on **7 November**

The side of the Sinpo-class SSB presumably berthed under the canopy appears **on the Dec 3**

Source: Planet Labs Inc. 7 Nov. 2020, 05 03 UTC; 3 Dec. 2020, 01 51 UTC

Figure 15-5: **On the dock in front of the entrance of new Hall** (40° 1'20.76"N 128° 9'46.55"E) where presumably the Romeo-class submarine equipped with SLBM is currently under construction (see S/2020/151 annex. 60), a high crane (visible from apparent long shadow or that of the lifted load,at 14h00 local time) has been used on Nov 4 and Dec 20, on a site probably devoted to change or repair the railway or the concrete surface which are used by the cradle for the launch of the new submarine.



Source: Planet Labs Inc, Nov 4, 2020 04 58 UTC

Figure 15-6: Nampo naval shipyard: renovation of the construction/maintenance hall (, 38° 43′ 14″ N 125° 23′ 52″ E**) and activity inside secure boat basin** (38° 43′ 06″ N 125° 23′ 40″ E)



Source: Planet Labs Inc. 19 Dec. 2020, 02 12 UTC; 12 Dec. 2020, 04 28 UTC; Planet Labs Inc. 7 Jun. 2020, 02 21 UTC; Planet Labs Inc. 10 Apr. 2020, 05 04 UTC; Google Earth, 8 Nov. 2019; Google Earth, 7 Oct. 2018; Google Earth, 13 Mar. 2018

Annex 16: Ballistic missile bases activity

The Panel continued to monitor the activity of various ballistic missile bases such as the "**Yusang-ri missile operating base**" (aka "Milchon-ri", 39° 27′ 01″ N 126° 15′ 35″ E; South Pyongan), the "**Kal-gol missile operating base"** (38° 40′ 09″ N 126° 44′ 14″ E; North Hwanghae) and among those cited in S/2020/840 Para.13 Annex 9 the "**Hoejung-ri missile base**" (41°22'44.93"N 126°54'38.16"E; Chagang) where various construction sites and logistic activities were observed since summer 2020.

"Yusang-ri missile operating base" (Figure 16-1)

- Two new typical main buildings (50 m length, a wide central roof flanked by two symmetrical side roofs) located in the HQ area of the base at 39° 26′ 58″ N 126° 15′ 37″ E and 39°27′ 02″ N 126° 15′ 39″ E, were built from 2018 to 2020 as well as another support facility at 39° 27′ 08″ N 126° 15′ 23″ E. (see Figure 16-2)

- Since the beginning of the excavation of the tunnel in 2014 usable by heavy TEL, site-evolution and upgrading has been continuous. The site is oriented SE-NW from southeast entrance 39°27'27.66"N 126°15'6.01"E to northwest entrance 39°27'29.70"N 126°15'2.56"E (see Figure 16-3)

- From 8 October to 15 October 2020, a dozen white containers with non-standard size of around 7m x 1.5m were placed and removed from a location between the south underground gallery entrance (39° 26′ 33″ N 126° 15′ 41″ E) and the west side of the series of drive-through and possibly UGF entrances (red dotted lines, west : 39°26'29.39"N 126°15'48.91"E, centre: 39°26'29.28"N 126°15'50.36"E, East: 39°26'29.37"N 126°15'53.50"E). As they were located close to the drive-through and UGFs entrances, they were possibly related either to BM systems, or to agricultural equipment (see Figure 16-4).

Figure 16-1: Yusang-ri missile operating base

Source: Google Earth, 12 Oct. 2020; Planet Labs Inc. 29 Nov. 2020, 02 29 UTC

Figure 16-2: "Yusang-ri missile operating base" new building and facility constructions



Source: Planet Labs Inc. 29 Nov. 2020, 02 29 UTC; Google Earth, 12 Oct. 2020; Planet Labs Inc. 3 Jul. 2019, 02 15 UTC; Planet Labs Inc. 22 Nov. 2018, 01 26 UTC; Google Earth, 18 May 2017

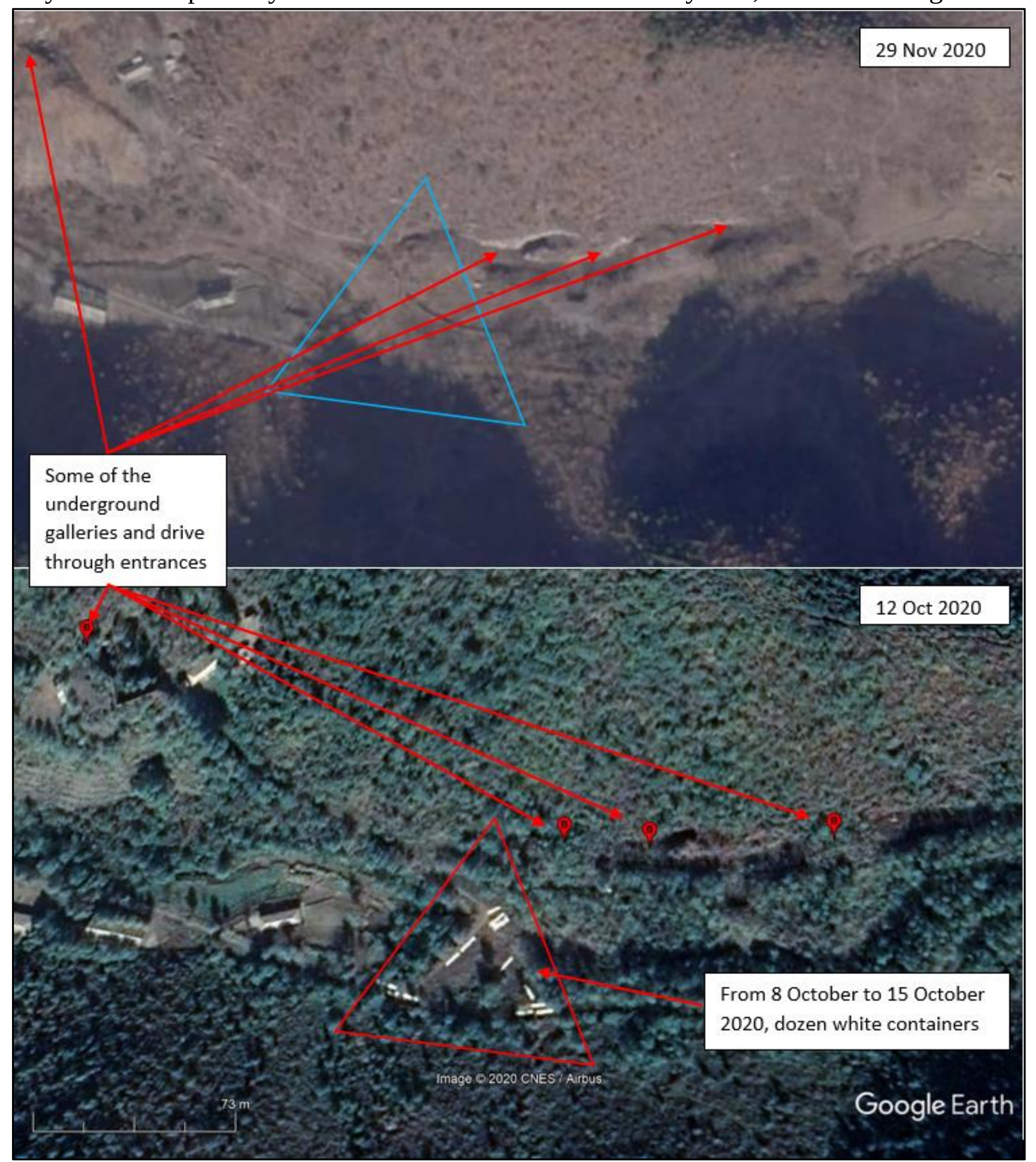
Figure 16-3: "Yusang-ri missile operating base" the site-evolution of the excavation of the tunnel usable by heavy TEL (NW tunnel entrance 39°27'29.70"N 126°15'2.56"E – SE entrance : 39°27'27.66"N 126°15'6.01"E)



Source: Planet Labs Inc. 29 Nov. 2020, 02 29 UTC; Google Earth, 12 Oct. 2020; Planet Labs Inc. 3 Jul. 2019, UTC; Google Earth, 18 May 2017; April 13, 2014

Figure 16-4: "Yusang-ri missile operating base": movement of containers in the area of several un-derground gallery entrances.

From 8 October to 15 October 2020, a dozen white containers of a non-standard size around 7m x 1.5m were placed and removed from a location between the south underground gallery entrance (B1-39° 26′ 33″ N 126° 15′ 41″ E) and the west side of the series of drive through and possibly UGF entrances (red dots, B2 west : 39°26'29.39"N 126°15'48.91"E, B3 centre: 39°26'29.28"N 126°15'50.36"E, B4 East: 39°26'29.37"N 126°15'53.50"E). As they were located close to the driving-through and UGFs entrances, they were possibly related either to BM system, or to agricultural equipment.



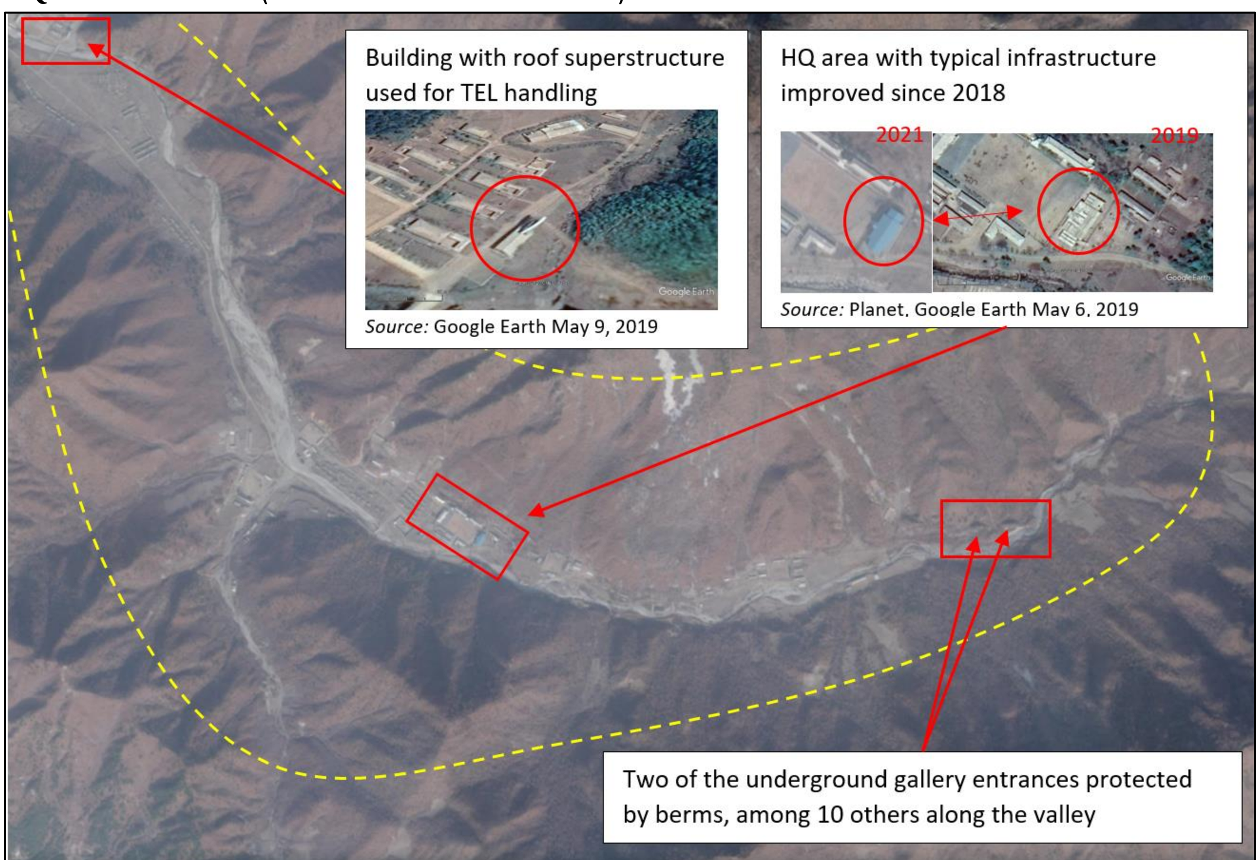
Source: Planet Labs Inc. 29 Nov. 2020, 02 29 UTC; Google Earth, 12 Oct. 2020

Annex 17: Kal-gol Missile Operating Base

The undeclared "Kal-gol missile operating base", located around 100 km southeast of Pyongyang and 13 km south of Koksan (see figure 17-1), was precisely described by a CSIS report on 24 December 2020[11] as a base operating SRBM and MRBM.

Through recent Planet Labs satellite imagery analysis, the panel has confirmed that this base located in an area delimited at the NW 38° 41′ 07″ N 126° 43′ 10″ E and at the SE 38° 40′ 26″ N 126° 45′ 59″ E, is well-maintained and regularly improved (see figure 17-1). It resembles other BM operating bases (see S/2020/840 para.13). In addition to numerous underground gallery entrances protected by berms (see figure 17-2), a specific building used for TEL handling and training has been identified. Its roof incorporates a superstructure whose shape is a semi-arc to allow the erection of the TEL launching table for maintenance or training. (see figure 17-3) This kind of superstructure is visible in Jonchon-Mupyong-ni No 65 factory (see S/2020/840 annex 12, figure 12-9).

Figure 17-1: Kal-gol missile operating base overview, the new building typical of a BM base in the HQ area since 2019. (38°40'8.30"N 126°44'13.09"E)



Source: Planet Labs Inc. 16 Nov. 2020, 05 13 UTC ; Google Earth, 9 May 2019 and 6 May 2019

[11] A Center for Strategic and International Studies-Beyond Parallel report on 24 December 2020 provided analysis that characterized the site of the "Kal-gol Missile Operating Base" as an SRBM and MRBM missiles base (see "Undeclared North Korea: The Kal-gol Missile Operating Base", 24 December 2020, available at https://beyondparallel.csis.org/undeclared-north-korea-the-kal-gol-missile-operating-base/)

Figure 17-2: Kal-gol missile operating base two underground gallery entrances and their protective berms (location 38°40'10.93"N 126°45'23.57"E and 38°40'11.43"N 126°45'28.65"E).



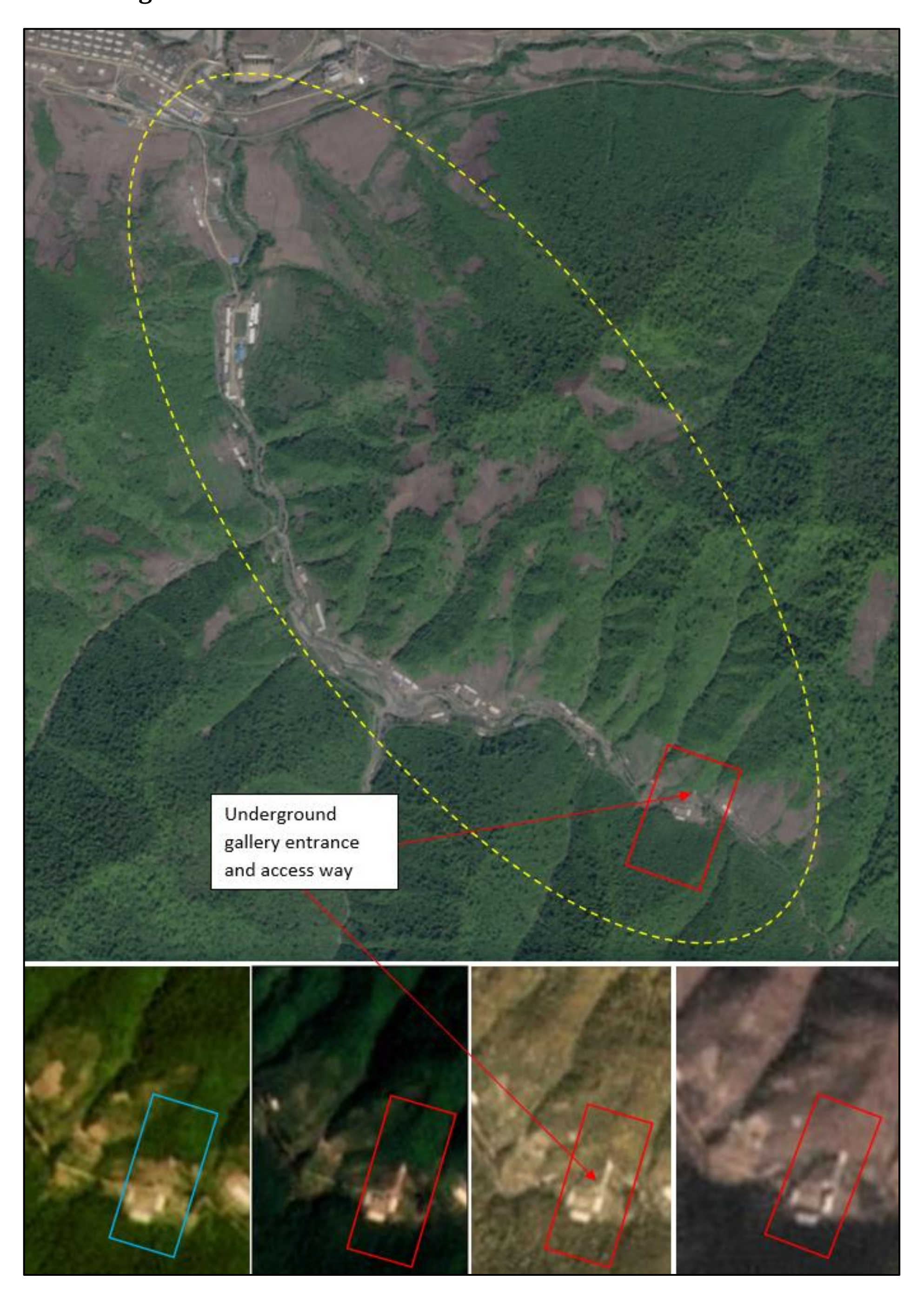
Source: Planet Labs Inc. 16 Nov. 2020, 05 13 UTC; Google Earth 14 Apr. 2005

Figure 17-3: Kal-gol missile operating base, building of the type used for TEL handling and training (location: 38°41'4.39"N 126°43'14.38"E)

Source: Planet Labs Inc. 5 Jan. 2021, 05 13 UTC

Annex 18: Activity at the "Hoejung-ri missile base" (41°22'44.93"N 126°54'38.16"E) and the construction of a massive underground facility (41°21'56.37"N 126°55'41.91"E) (see S/2020/840, para.13 and Annex 9)

Figure 18-1: the access way to the underground entrance, oriented Southewest-northeast, was consolidated from 31 Aug 2020



Source: Planet Labs Inc. 29 May 2020, 02 12 UTC; 25 Jul. 2020, 01 59 UTC; 31 Aug. 2020, 01 37 UTC; 27 Sep. 2020, 02 04 UTC; 11 Nov. 2020, 02 01 UTC

Annex 19: DPRK-Iran ballistic missile cooperation

The Panel requested information from Iran concerning information received by the Panel that the SHIG's Shahid Haj Ali Movahed Research Center received support and assistance from DPRK missile specialists for a space launch vehicle (SLV) (see annex 19-1), and that KOMID and SHIG were involved in shipments to Iran, using vessels belonging to the Islamic Republic of Iran Shipping Lines (IRISL). (see annex 19-1)

In an interim reply of 21 December 2020 (see annex 19-2) Iran stated that "widespread national restrictions imposed to contain the COVID-19 pandemic continue to pose serious challenges for a timely and proper investigation of such sensitive cases. Preliminary review of the information provided to us by the Panel indicates that false information and fabricated data may have been used in investigations and analyses of the Panel…"

Annex 19-1: Regarding technical and logictics cooperation

According to a Member State, within the past several years, Iranian missile technicians from SHIG traveled to North Korea regarding an 80-ton rocket booster under development by the North Korean government.

According to the Member State, 13 DPRK specialists may have travelled to Iran to support KOMID's work there, based on their experience with liquid propellant ballistic missiles systems (see table 19-1).

The partnership between KOMID and SHIG is also alleged by the Member State to have developed in the area of logistics through shipments to Iran, using vessels belonging to the Islamic Republic of Iran Shipping Lines (IRISL), and routinely operating non-stop voyages from one third country ports to Iran. According to the Member State, these shipments included valves, electronics, and measuring equipment suitable for use in ground testing of liquid propellant ballistic missiles and space launch vehicles.

Table 19-1: According to the Member State, thirteen DPRK specialists who are suspected of travelling to Iran to support KOMID's work:

Name (last name given first)	***Date of Birth***	***Passport Number***
Kim Chang Rok	27 September 1962	N/A
Ri Song Chol	22 August 1968	654431555
Chae Hyok Mu	30 January 1985	654431556
Cho Myong Ho	8 May 1961	654431552
Choe Song Hyok	25 September 1968	654431553
Ryu Yon Chol	5 May 1965	654431554
Pak Chae Song	1 January 1966	654431551
Choe Pyong Wan	22 December 1960	N/A
Ha Chong Kuk	15 February 1970	381320313
Hong Hak Chol	21 January 1968	N/A
Kim Ho Chol	12 May 1962	290120514
Kim Won Il	19 January 1973	381134942
Ma Chol Won	28 March 1964	290120507

According to the Member State, the following Iranian SHIG officials are alleged to be involved in the KOMID-SHIG cooperation.

Asghar Esma’ilpur and **Mohammad Gholami,** who participated in Iran and supported the launch of an SLV that was launched with support and assistance from North Korean missile specialists.

- **Asghar Esma'ilpur** has served as the Director of the **SHIG Shahid Haj Ali Movahed Research Center**, also known as **SHIG Department 7500**, and is currently a senior official in Iran's **Aerospace Industries Organization (AIO).**

- **Mohammad Gholami** was a long-time **SHIG Haj Ali Movahed Research Center** senior official until his recent promotion to a role within the **AIO**.

- **Seid Mir Ahmad Nooshin** has been a key player in negotiations with the DPRK on long-range missile development projects. He was previously the Director of SHIG and now serves as the Director of AIO.

Annex 19-2: Irans's reply to the Panel



Permanent Mission of the Islamic Republic of Iran to the United Nations

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In the name of God, the most Compassionate, the most Merciful

No. 120588 21 December 2020

Dear Sir,

I am writing in response to your letter dated 16 November 2020 (S/AC.49/2020/PE/OC.322) with regard to Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) and 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017) on the situation in the Democratic People's Republic of Korea (DPRK).

Your request for specific information contained in the above-mentioned letter has been sent to the relevant Iranian authorities. Meanwhile, widespread national restrictions imposed to contain the COVID-19 pandemic continue to pose serious challenges for a timely and proper investigation of such sensitive cases.

Preliminary review of the information provided to us by the Panel indicates that false information and fabricated data may have been used in investigations and analyses of the Panel. The relevant authorities of the Islamic Republic of Iran would review any viable "evidence" with regard to alleged actions in violation of the relevant Security Council sanctions. Meanwhile, the Panel is expected to exercise maximum caution with regard to unsubstantiated claims received from countries with a clear political agenda towards Iran.

We respect our international commitments including under relevant Security Council resolutions on DPRK and wish to continue constructive engagement and cooperation with the Panel of Experts established pursuant to United Nations Security Council resolution 1874 (2009).

Please accept, Sir, the assurances of my highest consideration.

m. T. [signature]

Majid Takht Ravanchi
Ambassador
Permanent Representative

[redacted]
Coordinator of the Panel of Experts established
pursuant to Security Council Resolution 1874 (2009)

Source: The Panel

Annex 20: Key items, including materials and equipment, used in the DPRK ballistic missile program.

According to a Member State, among the items identified in the annex of "North Korea Ballistic Missile Procurement Advisory", 1 September 2020 (available from https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20200901), that DPRK has sought for its ballistic missile development efforts were items such as **multi-axle heavy vehicles**, **specialty steel and aluminum**, **filament winding equipment, carbon fiber for composite motor cases; and aluminum powder and ammonium perchlorate**.

The Member State reaffirmed that DPRK's ability to procure the types of technologies identified in the advisory from foreign suppliers is critical to its ongoing efforts to advance and expand its missile capabilities.

Annex 21: Tanker arrivals to the DPRK, January to September 2020

Tanker Arrivals to DPRK January - September 2020

	Coast	Port	Ship Name	Arrival Date	IMO	Last Known Flag	Dead Weight Tonnage	Delivery Metric Tonnage if 33% Laden	Delivery Metric Tonnage if 50% Laden	Delivery Metric Tonnage if 90% Laden
1	East	Wonsan	Kum Un San	1-Jan-20	8720436	PRK	2070	683.1	1035.0	1863.0
2	West	Nampo	Kwang Chon (Yu Phyong 5)	1-Jan-20	8605026	PRK	1966	648.8	983.0	1769.4
3	West	Nampo	An San 1	4-Jan-20	7303803	PRK	3003	991.0	1501.5	2702.7
4	West	Nampo	Hokong	5-Jan-20	9006758	SLE	3995	1318.4	1997.5	3595.5
5	West	Nampo	Unica	8-Jan-20	8514306	SLE	4865	1605.5	2432.5	4378.5
6	West	Nampo	New Konk	10-Jan-20	9036387	SLE	8057	2658.8	4028.5	7251.3
7	West	Nampo	Sen Lin 01 (Kwang Chon 2)	10-Jan-20	8910378	PRK	1159	382.5	579.5	1043.1
8	West	Nampo	Subblic	10-Jan-20	8126082	TGO	5989	1976.4	2994.5	5390.1
9	West	Nampo	Kwang Chon (Yu Phyong 5)	13-Jan-20	8605026	PRK	1966	648.8	983.0	1769.4
10	West	Nampo	Sam Jong 2	17-Jan-20	7408873	PRK	2507	827.3	1253.5	2256.3
11	West	Nampo	Unica	21-Jan-20	8514306	SLE	4865	1605.5	2432.5	4378.5
12	West	Nampo	Hokong	22-Jan-20	9006758	SLE	3995	1318.4	1997.5	3595.5
13	West	Nampo	Kum Jin Gang 3	23-Jan-20	8791667	PRK	4983	1644.4	2491.5	4484.7
14	West	Haeju	Myong Ryu 1	23-Jan-20	8532413	PRK	817	269.6	408.5	735.3
15	West	Nampo	Sam Jong 1	29-Jan-20	8405311	PRK	1665	549.5	832.5	1498.5
16	West	Nampo	Subblic	30-Jan-20	8126082	TGO	5989	1976.4	2994.5	5390.1
17	East	Munchon Up	Chil Bo San	31-Jan-20	8711021	PRK	1999	659.7	999.5	1799.1
18	East	Chongjin	Chon Ma San	4-Feb-20	8660313	PRK	3565	1176.5	1782.5	3208.5
19	East	Hungnam	Sin Pyong 2	4-Feb-20	8817007	PRK	2105	694.7	1052.5	1894.5
20	West	Nampo	New Konk	7-Feb-20	9036387	SLE	8057	2658.8	4028.5	7251.3
21	West	Songnim	Hokong	9-Feb-20	9006758	SLE	3995	1318.4	1997.5	3595.5
22	West	Nampo	Unica	9-Feb-20	8514306	SLE	4865	1605.5	2432.5	4378.5
23	East	Chongjin	Sam Ma 2	13-Feb-20	8106496	PRK	1731	571.2	865.5	1557.9
24	East	Chongjin	Yu Jong 2	15-Feb-20	8604917	PRK	1180	389.4	590.0	1062.0
25	West	Nampo	Pu Ryong	20-Feb-20	8705539	PRK	3279	1082.1	1639.5	2951.1
26	West	Nampo	Subblic	23-Feb-20	8126082	TGO	5989	1976.4	2994.5	5390.1

	Coast	Port	Ship Name	Arrival Date	IMO	Last Known Flag	Dead Weight Tonnage	Delivery Metric Tonnage if 33% Laden	Delivery Metric Tonnage if 50% Laden	Delivery Metric Tonnage if 90% Laden
27	West	Nampo	Chil Bo San	26-Feb-20	8711021	PRK	1999	659.7	999.5	1799.1
28	West	Nampo	Diamond 8	26-Feb-20	9132612	SLE	9273	3060.1	4636.5	8345.7
29	West	Songnim	Hokong	27-Feb-20	9006758	SLE	3995	1318.4	1997.5	3595.5
30	West	Nampo	Unica	4-Mar-20	8514306	SLE	4865	1605.5	2432.5	4378.5
31	West	Nampo	Bonvoy 3	5-Mar-20	8714085	SLE	3518	1160.9	1759.0	3166.2
32	West	Nampo	New Konk	15-Mar-20	9036387	SLE	8057	2658.8	4028.5	7251.3
33	West	Nampo	Yun Hong 8	17-Mar-20	0	CHN	2900	957.0	1450.0	2610.0
34	West	Nampo	Diamond 8	22-Mar-20	9132612	SLE	9273	3060.1	4636.5	8345.7
35	West	Nampo	Hokong	22-Mar-20	9006758	SLE	3995	1318.4	1997.5	3595.5
36	West	Nampo	Subblic	22-Mar-20	8126082	TGO	5989	1976.4	2994.5	5390.1
37	West	Nampo	Unica	25-Mar-20	8514306	SLE	4865	1605.5	2432.5	4378.5
38	West	Nampo	Bonvoy 3	31-Mar-20	8714085	SLE	3518	1160.9	1759.0	3166.2
39	West	Nampo	New Konk	8-Apr-20	9036387	SLE	8057	2658.8	4028.5	7251.3
40	West	Nampo	Subblic	12-Apr-20	8126082	TGO	5989	1976.4	2994.5	5390.1
41	West	Songnim	Unica	20-Apr-20	8514306	SLE	4865	1605.5	2432.5	4378.5
42	West	Nampo	Hokong	21-Apr-20	9006758	SLE	3995	1318.4	1997.5	3595.5
43	West	Nampo	New Konk	24-Apr-20	9036387	SLE	8057	2658.8	4028.5	7251.3
44	West	Nampo	Run Da	29-Apr-20	8511172	MNG	4999	1649.7	2499.5	4499.1
45	West	Nampo	Sam Jong 2	1-May-20	7408873	PRK	2507	827.3	1253.5	2256.3
46	West	Nampo	Myong Ryu 1	1-May-20	8532413	PRK	817	269.6	408.5	735.3
47	East	Chongjin	Nam San 8	7-May-20	8122347	PRK	3150	1039.5	1575.0	2835.0
48	East	Chongjin	Sin Pyong 2	7-May-20	8817007	PRK	2105	694.7	1052.5	1894.5
49	East	Hungnam	Pu Ryong	7-May-20	8705539	PRK	3279	1082.1	1639.5	2951.1
50	West	Nampo	Hokong	10-May-20	9006758	SLE	3995	1318.4	1997.5	3595.5
51	East	Chongjin	Sin Pyong 2	10-May-20	8817007	PRK	2105	694.7	1052.5	1894.5
52	West	Nampo	Mu Bong 1	14-May-20	8610461	PRK	1998	659.3	999.0	1798.2
53	West	Nampo	Kum Jin Gang 2	15-May-20	0	PRK	2114	697.6	1057.0	1902.6
54	West	Nampo	New Konk	15-May-20	9036387	SLE	8057	2658.8	4028.5	7251.3
55	West	Nampo	Rich United	15-May-20	9129213	UNK	7459	2461.5	3729.5	6713.1
56	East	Najin	Song Won	18-May-20	8613360	PRK	2101	693.3	1050.5	1890.9
57	West	Nampo	Sam Jong 2	24-May-20	7408873	PRK	2507	827.3	1253.5	2256.3

	Coast	Port	Ship Name	Arrival Date	IMO	Last Known Flag	Dead Weight Tonnage	Delivery Metric Tonnage if 33% Laden	Delivery Metric Tonnage if 50% Laden	Delivery Metric Tonnage if 90% Laden
58	East	Wonsan	Sin Pyong 2	24-May-20	8817007	PRK	2105	694.7	1052.5	1894.5
59	East	Chongjin	Subblic	24-May-20	8126082	TGO	5989	1976.4	2994.5	5390.1
60	East	Wonsan	Chon Myong 1	25-May-20	8712362	PRK	2750	907.5	1375.0	2475.0
61	West	Songnim	Ji Song 6	25-May-20	8898740	PRK	1250	412.5	625.0	1125.0
62	East	Wonsan	Yu Jong 2	25-May-20	8604917	PRK	1180	389.4	590.0	1062.0
63	East	Chongjin	Yu Son	26-May-20	8691702	PRK	3398	1121.3	1699.0	3058.2
64	East	Kimchaek	Nam San 8	28-May-20	8122347	PRK	3150	1039.5	1575.0	2835.0
65	West	Nampo	Sam Jong 1	28-May-20	8405311	PRK	1665	549.5	832.5	1498.5
66	West	Nampo	Ji Song 6	29-May-20	8898740	PRK	1250	412.5	625.0	1125.0
67	West	Nampo	Chon Ma San	1-Jun-20	8660313	PRK	3565	1176.5	1782.5	3208.5
68	West	Nampo	Sen Lin 01 (Kwang Chon 2)	2-Jun-20	8910378	PRK	1159	382.5	579.5	1043.1
69	West	Songnim	Hokong	3-Jun-20	9006758	SLE	3995	1318.4	1997.5	3595.5
70	West	Songnim	Ji Song 6	3-Jun-20	8898740	PRK	1250	412.5	625.0	1125.0
71	West	Songnim	Pu Ryong	3-Jun-20	8705539	PRK	3279	1082.1	1639.5	2951.1
72	West	Songnim	Xing Ming Yang 888	3-Jun-20	8410847	UNK	7303	2410.0	3651.5	6572.7
73	West	Songnim	Saebyol	4-Jun-20	8916293	PRK	1150	379.5	575.0	1035.0
74	West	Songnim	Run Da	5-Jun-20	8511172	MNG	4999	1649.7	2499.5	4499.1
75	West	Nampo	Bonvoy 3	8-Jun-20	8714085	SLE	3518	1160.9	1759.0	3166.2
76	West	Songnim	New Konk	8-Jun-20	9036387	SLE	8057	2658.8	4028.5	7251.3
77	West	Nampo	Rich United	11-Jun-20	9129213	UNK	7459	2461.5	3729.5	6713.1
78	West	Songnim	Nam San 8	15-Jun-20	8122347	PRK	3150	1039.5	1575.0	2835.0
79	West	Songnim	Sam Jong 1	15-Jun-20	8405311	PRK	1665	549.5	832.5	1498.5
80	West	Nampo	Chon Ma San	16-Jun-20	8660313	PRK	3565	1176.5	1782.5	3208.5
81	West	Nampo	Kum Jin Gang 2	18-Jun-20	0	PRK	2114	697.6	1057.0	1902.6
82	East	Wonsan	Sin Pyong 2	18-Jun-20	8817007	PRK	2105	694.7	1052.5	1894.5
83	West	Nampo	Kum Jin Gang 3	19-Jun-20	8791667	PRK	4983	1644.4	2491.5	4484.7
84	West	Nampo	An Ping	20-Jun-20	7903366	SLE	4950	1633.5	2475.0	4455.0
85	West	Nampo	Unica	20-Jun-20	8514306	SLE	4865	1605.5	2432.5	4378.5
86	West	Songnim	Hokong	21-Jun-20	9006758	SLE	3995	1318.4	1997.5	3595.5

	Coast	Port	Ship Name	Arrival Date	IMO	Last Known Flag	Dead Weight Tonnage	Delivery Metric Tonnage if 33% Laden	Delivery Metric Tonnage if 50% Laden	Delivery Metric Tonnage if 90% Laden
87	East	Wonsan	Sin Pyong 2	24-Jun-20	8817007	PRK	2105	694.7	1052.5	1894.5
88	East	Wonsan	Chon Myong 1	25-Jun-20	8712362	PRK	2750	907.5	1375.0	2475.0
89	East	Wonsan	Yu Jong 2	25-Jun-20	8604917	PRK	1180	389.4	590.0	1062.0
90	West	Nampo	Xing Ming Yang 888	28-Jun-20	8410847	UNK	7303	2410.0	3651.5	6572.7
91	West	Nampo	Sam Jong 2	28-Jun-20	7408873	PRK	2507	827.3	1253.5	2256.3
92	West	Nampo	An San 1	1-Jul-20	7303803	PRK	3003	991.0	1501.5	2702.7
93	West	Nampo	Chong Ryong San	1-Jul-20	0	PRK				
94	West	Songnim	New Konk	2-Jul-20	9036387	SLE	8057	2658.8	4028.5	7251.3
95	West	Songnim	Saebyol	5-Jul-20	8916293	PRK	1150	379.5	575.0	1035.0
96	West	Songnim	Diamond 8	5-Jul-20	9132612	SLE	9273	3060.1	4636.5	8345.7
97	West	Nampo	An Ping	8-Jul-20	7903366	SLE	4950	1633.5	2475.0	4455.0
98	West	Songnim	Subblic	9-Jul-20	8126082	TGO	5989	1976.4	2994.5	5390.1
99	West	Nampo	Chon Ma San	26-Jul-20	8660313	PRK	3565	1176.5	1782.5	3208.5
100	West	Nampo	Saebyol	26-Jul-20	8916293	PRK	1150	379.5	575.0	1035.0
101	West	Nampo	Pu Ryong	28-Jul-20	8705539	PRK	3279	1082.1	1639.5	2951.1
102	West	Nampo	An San 1	28-Jul-20	7303803	PRK	3003	991.0	1501.5	2702.7
103	West	Nampo	Mu Bong 1	28-Jul-20	8610461	PRK	1998	659.3	999.0	1798.2
104	West	Nampo	Paek Ma	6-Aug-20	9066978	PRK	2250	742.5	1125.0	2025.0
105	West	Nampo	Kum Jin Gang 2	6-Aug-20	0	PRK	2114	697.6	1057.0	1902.6
106	West	Nampo	Chong Myong 1	8-Aug-20	8712362	PRK	2750	907.5	1375.0	2475.0
107	West	Nampo	Heng Rong	10-Aug-20	7913098	SLE	4890	1613.7	2445.0	4401.0
108	West	Nampo	An San 1	11-Aug-20	7303803	PRK	3003	991.0	1501.5	2702.7
109	West	Nampo	Chil Bo San	11-Aug-20	8711021	PRK	1999	659.7	999.5	1799.1
110	East	Wonsan	Yu Jong 2	18-Aug-20	8604917	PRK	1180	389.4	590.0	1062.0
111	West	Nampo	Mu Bong 1	27-Aug-20	8610461	PRK	1998	659.3	999.0	1798.2
112	West	Nampo	Chong Ryong San	30-Aug-20	0	PRK				

	Coast	Port	Ship Name	Arrival Date	IMO	Last Known Flag	Dead Weight Tonnage	Delivery Metric Tonnage if 33% Laden	Delivery Metric Tonnage if 50% Laden	Delivery Metric Tonnage if 90% Laden
113	West	Nampo	Kum Jin Gang 2	30-Aug-20	0	PRK	2114	697.6	1057.0	1902.6
114	West	Nampo	Chil Bo San	30-Aug-20	8711021	PRK	1999	659.7	999.5	1799.1
115	West	Nampo	Po Chon (Zebra)	30-Aug-20	8848276	PRK	3538	1167.5	1769.0	3184.2
116	West	Nampo	Yun Hong 8	30-Aug-20	0	CHN	2900	957.0	1450.0	2610.0
117	West	Nampo	Xin Hai	1-Sep-20	7636638	UNK	4969	1639.8	2484.5	4472.1
118	West	Nampo	Nam San 8	4-Sep-20	8122347	PRK	3150	1039.5	1575.0	2835.0
119	West	Nampo	Yu Phyong 5	4-Sep-20	8605026	PRK	1966	648.8	983.0	1769.4
120	West	Nampo	Paek Ma	9-Sep-20	9066978	PRK	2250	742.5	1125.0	2025.0
121	West	Songnim	Nam San 8	14-Sep-20	8122347	PRK	3150	1039.5	1575.0	2835.0

Source: Member State

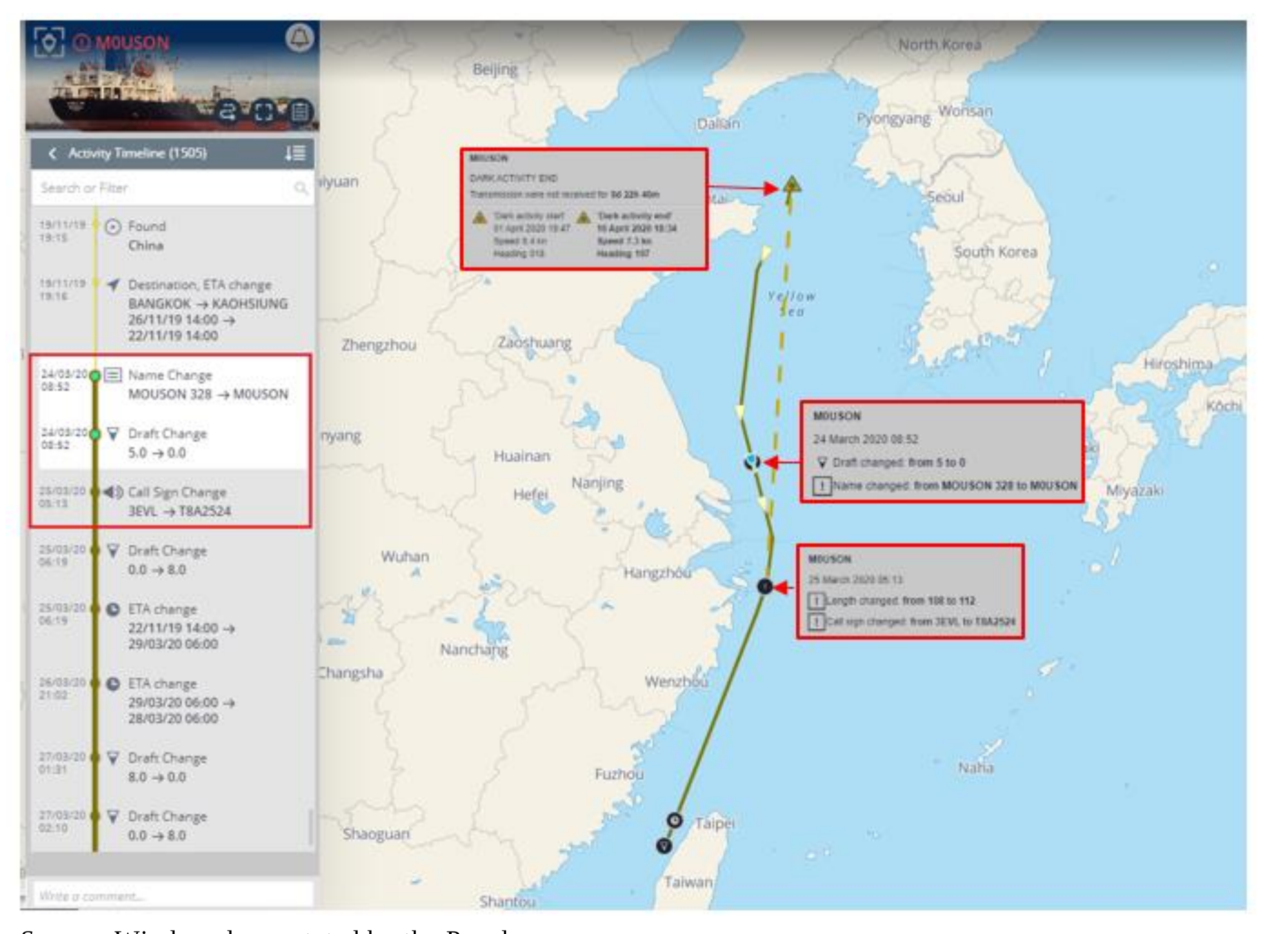
Annex 22 (a): Vessel Identity Swap

The Panel investigated the then Panama-flagged *Mouson 328* (IMO: 9021198) in light of numerous indicators of suspect activity that included: a suspicious May / June 2019 voyage to DPRK waters (see figure 1); four months of unexplained dark activity from November 2019 to March 2020 at a shipyard in Fujian Province, and the vessel changing out its identifiers after re-appearing in March 2020 and sailing as the *M0uson* in the direction of the Yellow Sea (see figure 2). Panama confirmed the vessel was deleted from its registry on 29 August 2020. The vessel also conducted other voyages with AIS transmission gaps outside of these periods.

Figure 1: *Mouson 328's* voyage, May/June 2019

Source: Windward, annotated by the Panel

Figure 2: *'Mouson 328'* changing its identifiers, March 2020



Source: Windward, annotated by the Panel

In the course of its investigations, the Panel noted an attempt in late 2019 to register the *Mouson 328* under a new IMO number as the newly built Dominica-flagged *Cherry 19*. After the *Mouson 328's* suspicious voyages to DPRK waters between May and June 2019, the vessel sailed to a shipyard in Fujian Province, China. Imagery of the *Mouson 328* from July to November 2019 shows that the vessel was likely modified at the shipyard (see figure 3). The next AIS transmission of the *Mouson 328* sailing as a Dominica-flagged vessel named *Cherry 19* was as the vessel entered the waters of Bangkok port, Thailand, in late November 2019. Photographs taken of the vessel show the initial assigned IMO number of the *Cherry 19* painted on the vessel's bridge but the IMO number belonging to that of the *Mouson 328* painted on its stern (see figure 4). The vessel was also photographed with two white containers located at the vessel's stern, similar in location to the containers captured on satellite imagery at the shipyard in late 2019. Maritime authorities withdrew the IMO number initially assigned to *the Cherry 19* following evidentiary inconsistencies.

Figure 3: *Mouson 328* re-painted, September / October 2019



Source: Google Earth, annotated by the Panel. Coordinates: 26°50'28"N, 119°41'20"E

Figure 4: IMO number inconsistencies, with the *Cherry 19's* initial issued IMO number at the bridge (top) and the *Mouson 328's* IMO number at the stern (bottom)





Source: The Panel

The same maritime database registered the vessel's last AIS capture on 7 November 2020 at a port at Samut Songkhram, (see figure 5) transmitting under its new identity as the Thai-flagged *Smooth Sea 29,* essentially removing the historical data of the vessel as the *Mouson 328*. The Panel wrote to inform Thailand of the *Smooth Sea 29's* location and the vessel's use of fraudulent documentation as a likely cover for the *Mouson 328*. Thailand responded that the Panel's requests for information "have been duly conveyed to our relevant authorities in capital and are pending their consideration".

Figure 5: *Smooth Sea 29* at Samut Songkhram, 7 November 2020 (EST)

Source: Windward, annotated by the Panel; Google Earth (insert image of Samut Songkhram dated 19 April 2020), with a pinned location of 13°22'24"N,99°59'32"E where the vessel was last located on 7 November 2020 EST, based on AIS signal transmission

High-resolution satellite imagery obtained by the Panel showed a vessel on 26 August 2020 transmitting as the *M0uson* with a Palau-associated MMSI 511444000 matching the dimensions and features of the *New Konk* (IMO: 9036387), a vessel that had been previously proposed by the Panel for designation for delivering refined petroleum on multiple occasions to the DPRK and for conducting ship-to-ship transfers with another vessel that delivered its petroleum cargo to the DPRK[12].

Current investigations suggest that the *Mouson 328*, in registering itself first as the *Cherry 19* and then as the *Smooth Sea 29*, based on fraudulent documentation, appeared to allow another vessel, the *New Konk*, to assume the *Mouson 328's* identity while also creating fusion issues resulting in the *New Konk* appearing as the *Mouson 328* on commercial maritime databases.

The Panel wrote to Star Emperor Ventures Limited (hereafter "Star Emperor"), the vessel's registered owner since May 2019 and its management company, Pacific Expert Global Ltd (hereafter "Pacific Expert"). Both entities are listed as incorporated in the British Virgin Islands, with Star Emperor listing Pacific Expert, the vessel's manager and operator based in Kaohsiung, Taiwan Province of China[13], as its care-of address.

According to Mr. Yang, who stated he was the Director of both Star Emperor and Pacific Expert, Star Emperor purchased the *Mouson 328* on 10 May 2019 and sold it a few months later on 26 July 2019 to Rui He (HK) Marine Co, Limited, given various technical issues with the vessel. The vessel was for delivery to a buyer in Fu'an, Fujian Province, China. According to Mr Yang, the vessel was to be sold for scrap following delivery. Mr Yang stated he acquired the vessel "for high sea bunkering to Chinese fish vessel operating in east coastal of North Korea" (see annexes 22 (b) to (c)). During the time of his possession of the vessel, "There were no business connection with DPRK and also vessel never entry to any DPRK port". The Panel notes that as AIS transmission was not captured between 29 May and 5 June 2019.

According to information provided by the Panamanian authorities, the vessel was registered under its flag from 4 October 2018 to 20 February 2019 sailing as the *Angel 126* and flagged again on 17 May 2019 until 29 August 2020 sailing as the *Mouson 328.* Panama provided vessel positioning as well as other information to the Panel, including the periods where AIS was not transmitting. Panama confirmed it deleted the *Mouson 328* from its ship registry on 29 August 2020, in line with its responsibility "to suspend or delete any document related to the ships registered in the merchant navy of Panama, whenever their owners have failed to meet their obligations under Panamanian law and the relevant international treaties ratified by Panama".

Source: The Panel

[12] Paragraphs 27, 28 and 62, S/2020/691.

[13] While Star Emperor was no longer listed as an active company based on information from the International Maritime Organization, Pacific Expert was still listed as active.

Annex 22 (b): Letter from Pacific Expert Global Limited

From: Mr Yang [redacted] The owner of Mouson 328, Pacific Expert global Limited
To : 1718 Secretariat United Nations New York, USA DPPA 19173671525
Subject: outgoing communication #444 from the POE DPRK to Pacific Expert
Date : 14th Dec 2020

Statement of fact

To whom it may concern

I, Mr Yang [redacted] Chinese nationality, was the director of both Star Emperor Ventures Ltd and Pacific Expert global Ltd. Star Emperor Ventures Ltd purchased Mouson 328 with IMO 9021198 dated on 10th May 2019 for high sea bunkering to Chinese fish vessel operating in east coastal of North Korea. This is a seasonal fish heaven for squeezers from moth of May to September each year. To support fish vessel operation, I have decided to engage a tanker and delivery bunker to fish ground for Chinese fish vessels.

Mouson 328 delivered to Star Emperor on 13th May 2019 at 12:00lt at Kaohsiung and commenced the mentioned business on 25th of May 2019.

After sailing out from Kaohsiung, we have noted various technical problem on this tanker as an aged vessel. After two shipments in fish ground, due to technical issues, vessel was sold to Rui He(HK) Marine Co, Limited and delivered to buyer at Fuan Fujian China on 26th July 2019.

As statement above, I confirmed during the period possession of the vessel, the sole business nature was bunker delivery for Chinese fish vessels. There were no business connection with DPRK and also vessel never entry to any DPRK port.

1. **Confirmation of the vessel as being under your ownership, management and/or operation**
   I confirmed Mouson 328 was owned by Star Emperor Ventures Ltd and managed by Pacific Expert global Ltd.
2. Copies of AIS information and log books conforming the vessels location from April 2019 onwards.
   AIS tracking printout attached for your reference. Vessel has no entry to any port in DPRK. Log books was retained onboard at time of sale.
3. Current status of the vessel:

After delivery to Rui He(HK) Marine Co, limited, we have no update information on vessel status. In our agreement, vessel was supposed to be scrapped after delivery to buyer.

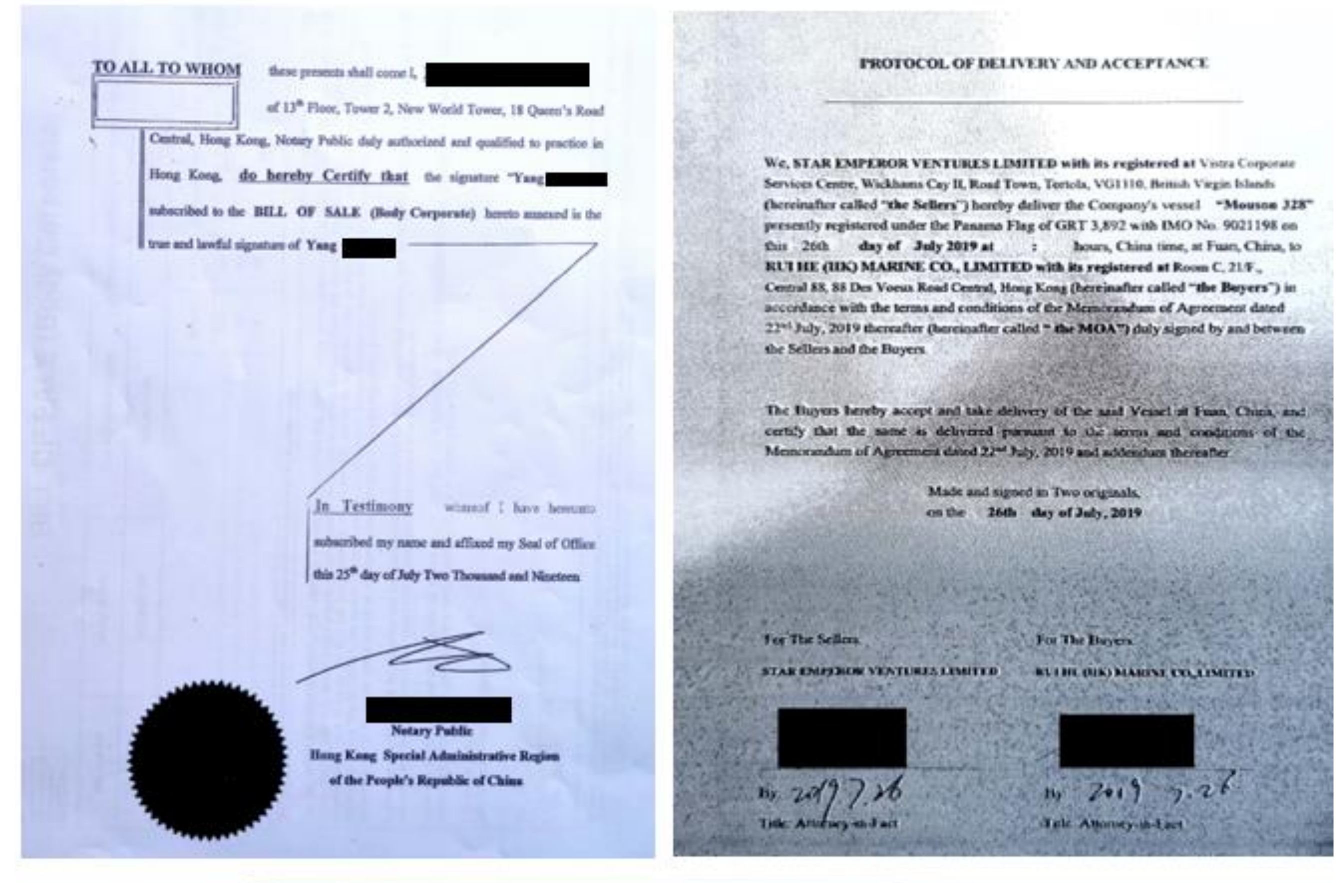
4. All shipping documentation including but not limited to customs documentation
   1). Voyage memo attached with cargo quantity discharge, name of fish vessel, voyage number, and date of discharge.
   As the nature of business out of territory water, there were no custom clearance required.
5. Information and full contact details of counterparties involved in any shipment of petroleum cargo to DPRK
   We confirmed again there were no any parties involved in DPRK.
6. Copy of all correspondence ---- Not applicable as no relation to DPRK
7. Copy of crew list ---- Attached with crew list
8. Method of payment for any petroleum cargo delivery to DPRK --- No applicable
9. Pacific Expert is co-located with Gold Advance Corp
   Pacific Expert Global Limited has rented a table from Gold Advance Corp in Taiwan for DOC purpose. Thereof the operation office for Pacific Expert Global limited had same address as Gold Advance Corp.
10. Nature of pacific Experts commercial relationship with Gold Advance
    As mentioned above, Pacific Experts rent a table from Gold Advance in Taiwan for DOC(document compliance) purpose.

List of document:

1. Document of compliance for Star Emperor Venture limited
2. Protocol of Delivery
3. Bill of Sale
4. AIS tracking printout
5. Voyage memo for voy no.1 and voy no.2
6. Crew List for Mouson 328
7. Office rental agreement between Pacific Experts and Gold Advance
8. Bill of Sale for Mouson 328
9. Protocol of delivery for Mouson 328

Source: The Panel

Annex 22 (c): Documentation relating to the sale of the *Mouson 328* (IMO: 9021198)



TO ALL TO WHOM these presents shall come I, [redacted] of 13th Floor, Tower 2, New World Tower, 18 Queen's Road Central, Hong Kong, Notary Public duly authorized and qualified to practice in Hong Kong, **do hereby Certify that** the signature "Yang [redacted] subscribed to the **BILL OF SALE (Body Corporate)** hereto annexed is the true and lawful signature of Yang [redacted]

In Testimony whereof I have hereunto subscribed my name and affixed my Seal of Office this 25th day of July Two Thousand and Nineteen

[redacted]
Notary Public
Hong Kong Special Administrative Region of the People's Republic of China

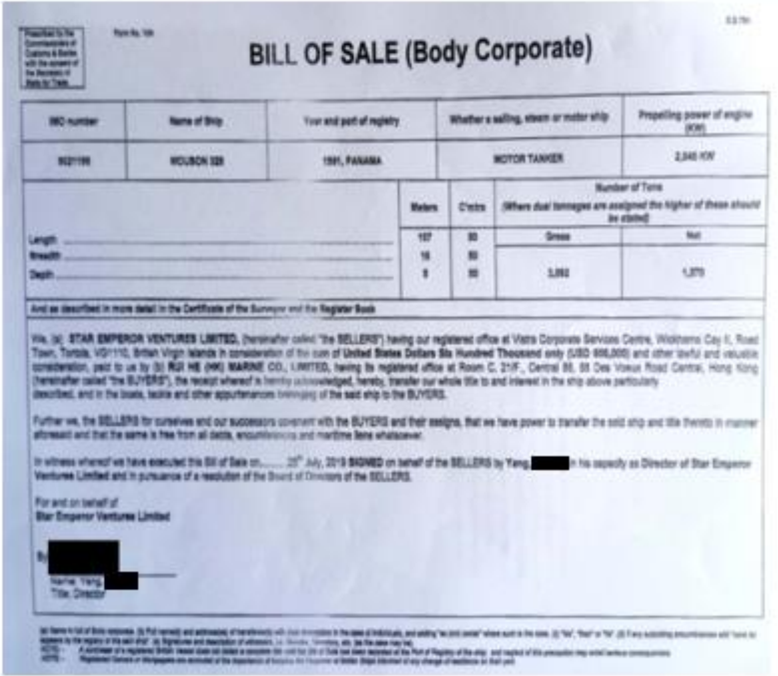
PROTOCOL OF DELIVERY AND ACCEPTANCE

We, **STAR EMPEROR VENTURES LIMITED with its registered at** Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, VG1110, British Virgin Islands (hereinafter called **"the Sellers"**) hereby deliver the Company's vessel **"Mouson 328"** presently registered under the Panama Flag of GRT 3,892 with IMO No. 9021198 on this 26th **day of July 2019 at** : hours, China time, at Fuan, China, to **RUI HE (HK) MARINE CO., LIMITED with its registered at** Room C, 21/F., Central 88, 88 Des Voeux Road Central, Hong Kong (hereinafter called **"the Buyers"**) in accordance with the terms and conditions of the Memorandum of Agreement dated 22nd July, 2019 thereafter (hereinafter called **" the MOA"**) duly signed by and between the Sellers and the Buyers.

The Buyers hereby accept and take delivery of the said Vessel at Fuan, China, and certify that the same is delivered pursuant to the terms and conditions of the Memorandum of Agreement dated 22nd July, 2019 and addendum thereafter.

Made and signed in Two originals,
on the **26th day of July, 2019**

For The Sellers	For The Buyers
STAR EMPEROR VENTURES LIMITED	RUI HE (HK) MARINE CO., LIMITED
[redacted]	[redacted]
By: 2019.7.26	By: 2019.7.26
Title: Attorney-in-Fact	Title: Attorney-in-Fact



BILL OF SALE (Body Corporate)

IMO number	Name of Ship	Year and port of registry	Whether a sailing, steam or motor ship	Propelling power of engine (KW)
9021198	MOUSON 328	1991, PANAMA	MOTOR TANKER	2,040 KW

	Meters	C'ntrs	Number of Tons (Where dual tonnages are assigned the higher of these should be stated) Gross	Net
Length	107	80	3,892	1,379
Breadth	16	80		
Depth	8	90		

And as described in more detail in the Certificate of the Surveyor and the Register Book

We, (a) **STAR EMPEROR VENTURES LIMITED,** (hereinafter called "the SELLERS") having our registered office at Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, VG1110, British Virgin Islands in consideration of the sum of **United States Dollars Six Hundred Thousand** only (USD 600,000) and other lawful and valuable consideration, paid to us by (b) **RUI HE (HK) MARINE** CO., LIMITED, having its registered office at Room C, 21/F., Central 88, 88 Des Voeux Road Central, Hong Kong (hereinafter called "the BUYERS"), the receipt whereof is hereby acknowledged, hereby, transfer our whole title to and interest in the ship above particularly described, and in the boats, tackle and other appurtenances belonging of the said ship to the BUYERS.

Further we, the SELLERS for ourselves and our successors covenant with the BUYERS and their assigns, that we have power to transfer the said ship and title thereto in manner aforesaid and that the same is free from all debts, encumbrances and maritime liens whatsoever.

In witness whereof we have executed this Bill of Sale on....... 25th July, 2019 **SIGNED** on behalf of the SELLERS by Yang [redacted] in his capacity as Director of Star Emperor Ventures Limited and in pursuance of a resolution of the Board of Directors of the SELLERS.

For and on behalf of
Star Emperor Ventures Limited

By [redacted]
Name: Yang [redacted]
Title: Director

Source: The Panel

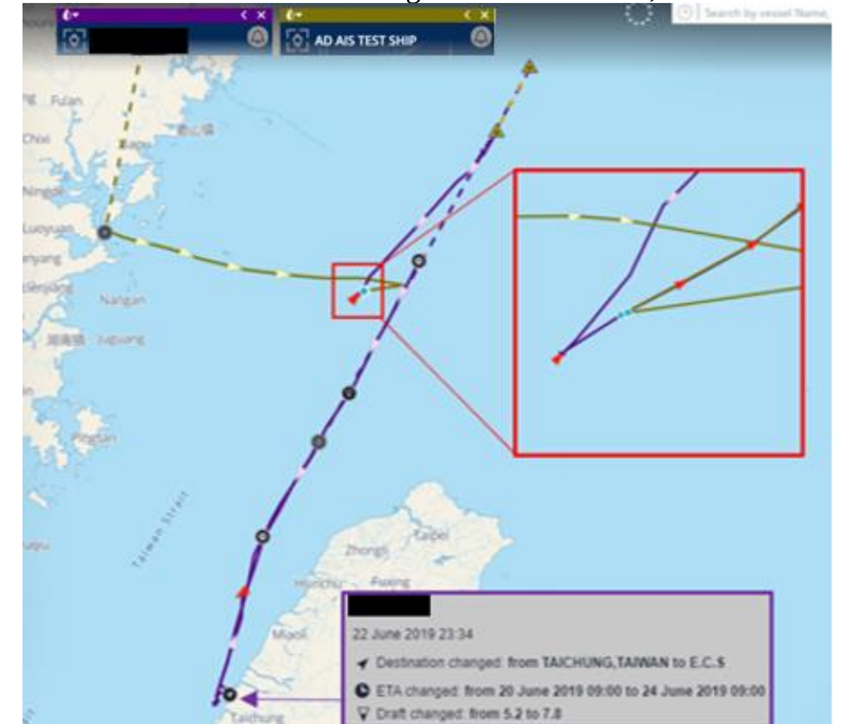
Annex 23 (a): Sanctioned tanker *New Regent* (IMO: 8312497) masquerading as the '*Hang Yu 11*'

On or around 29 June 2019, a vessel masquerading as '*Hang Yu 11*' sailed from the Luoyuan Bay area in China to meet with a ROK-flagged tanker ("Tanker A") in a failed attempt at ship-to-ship transfer of refined petroleum. A few days earlier, Tanker A had engaged in a ship-to-ship transfer with the *Yun Hong 8* (MMSI: 413459380), a vessel which delivered refined petroleum to the DPRK. The following lists several indicators the Panel notes that should inform the process of due diligence in verifying the identity of the '*Hang Yu 11*'. Relevant extracts of the vessel owner's response are at Annex 23 (b).

(i) Identifier concerns and suspicious AIS track

AIS tracking on a specialized maritime database website shows a suspect vessel (MMSI: 356393000) with incomplete / invalid identifiers sailing up to Tanker A on and around the date, 30 June 2019 (figure 1).

Figure 1: A vessel with invalid identifiers sailing to meet Tanker A, 29 June 2019 (EST)



Source: Windward, annotated by the Panel

(ii) Photographs

Independent satellite imagery analysis indicates that the dimensions of the '*Hang Yu 11*' match the *New Regent.*

Various photographic comparisons of the '*Hang Yu 11*' and the *New Regent* indicate they are the same vessel[14].

[14] The Panel analyzed several images from various sources in making its determination.

Additional photographs subsequently obtained by the Panel show the '*Hang Yu 11'* painted over the vessel's embossed name, the *New Kopex* (figure 2). The *New Kopex* is the name the vessel used until 2011, before the vessel was re-named the *New Regent.* A wide variety of commercial maritime databases provide historical names of vessels that assist due diligence in vessel searches. Additionally, the vessel's painted over IMO number is that of the *New Regent*.

Figure 2: Painted over identifiers of the *New Regent*



Source: Member State

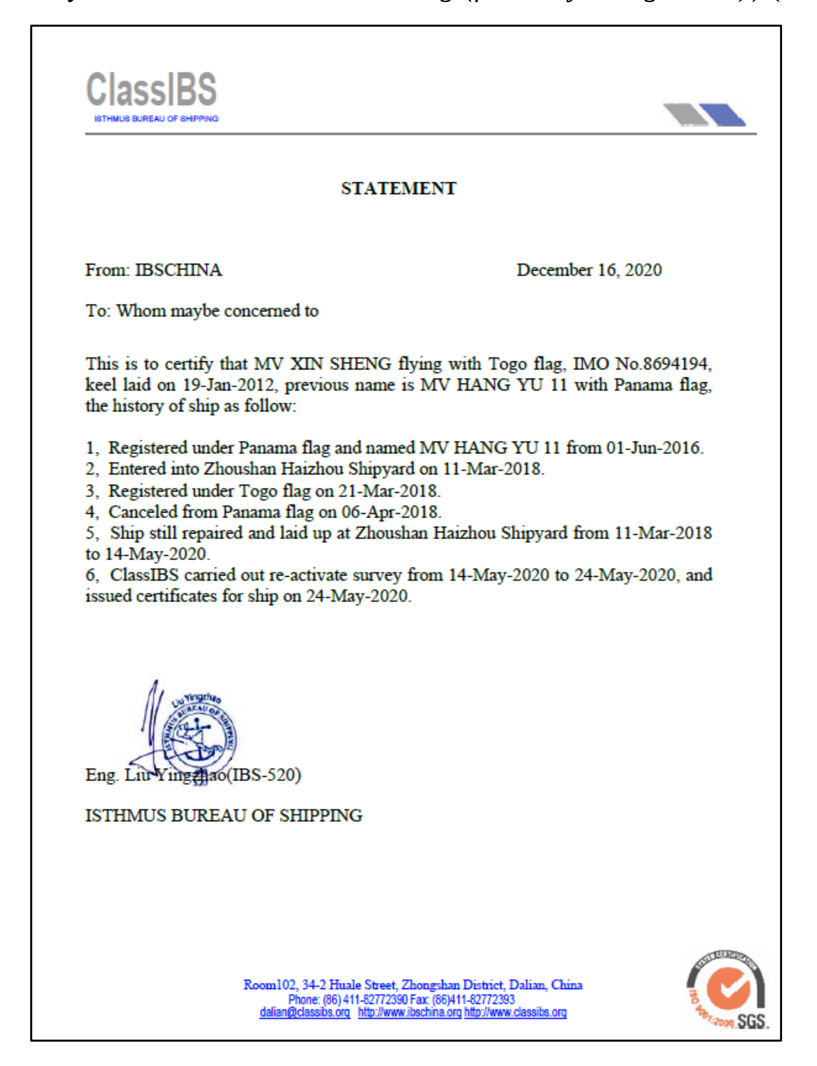
(i) Documentation checks

Ship documents of the *'Hang Yu 11' used* as proof that it was the Panama-flagged vessel with IMO number 8694194 (Document 5-1-3) are clearly outdated documentation. The '*Hang Yu 11'* (IMO: 8694194) has since March 2018 changed its flag and ship name as can be found on the International Maritime Organization's website.

*Togo-flagged Xin Sheng (*formerly *Hang Yu 11)*

The actual *Hang Yu 11,* sailing as the Togo-flagged *Xin Sheng* (IMO: 8694194) registered an AIS transmission gap between February 2018 and April 2020 on a commercial database platform. The Chinese manager and operator of the *Xin Sheng* confirmed that following a salvage incident the vessel was laid up for repairs between March 2018 and May 2020 at a shipyard in Zhoushan, China (figure 3). This confirmation is consistent with publicly available information on the vessel having drifted aground in February 2019 and of its subsequent auction in China in September 2020 following repairs.

Figure 3: Class Society's Statement of the *Xin Sheng (formerly Hang Yu 11)*) (IMO: 8694194)



ClassIBS
ISTHMUS BUREAU OF SHIPPING

STATEMENT

From: IBSCHINA December 16, 2020

To: Whom maybe concerned to

This is to certify that MV XIN SHENG flying with Togo flag, IMO No.8694194, keel laid on 19-Jan-2012, previous name is MV HANG YU 11 with Panama flag, the history of ship as follow:

1, Registered under Panama flag and named MV HANG YU 11 from 01-Jun-2016.
2, Entered into Zhoushan Haizhou Shipyard on 11-Mar-2018.
3, Registered under Togo flag on 21-Mar-2018.
4, Canceled from Panama flag on 06-Apr-2018.
5, Ship still repaired and laid up at Zhoushan Haizhou Shipyard from 11-Mar-2018 to 14-May-2020.
6, ClassIBS carried out re-activate survey from 14-May-2020 to 24-May-2020, and issued certificates for ship on 24-May-2020.

Eng. Liu Yingzhao(IBS-520)

ISTHMUS BUREAU OF SHIPPING

Room102, 34-2 Huale Street, Zhongshan District, Dalian, China
Phone: (86)411-82772390 Fax: (86)411-82772393
dalian@classibs.org http://www.ibschina.org http://www.classibs.org

Source: The Panel

Annex 23 (b): Excerpts on response on due diligence measures and documentation as provided by the owner of the ROK-flagged vessel

B) Notified by the buyer that *HANG YU 11* departed from Ningde port in China on 29 Jun 2019, would be arrived around 0100LT on 30 Jun 2019. Thus, the suspicious vessel would be *Hang yu 11*

3) Confirmation of ship-to-ship transfer(s) (amount, type and description) between [redacted] *and Hang yu 11 and if such transfer(s) of occurred on other occasions.*

[redacted]

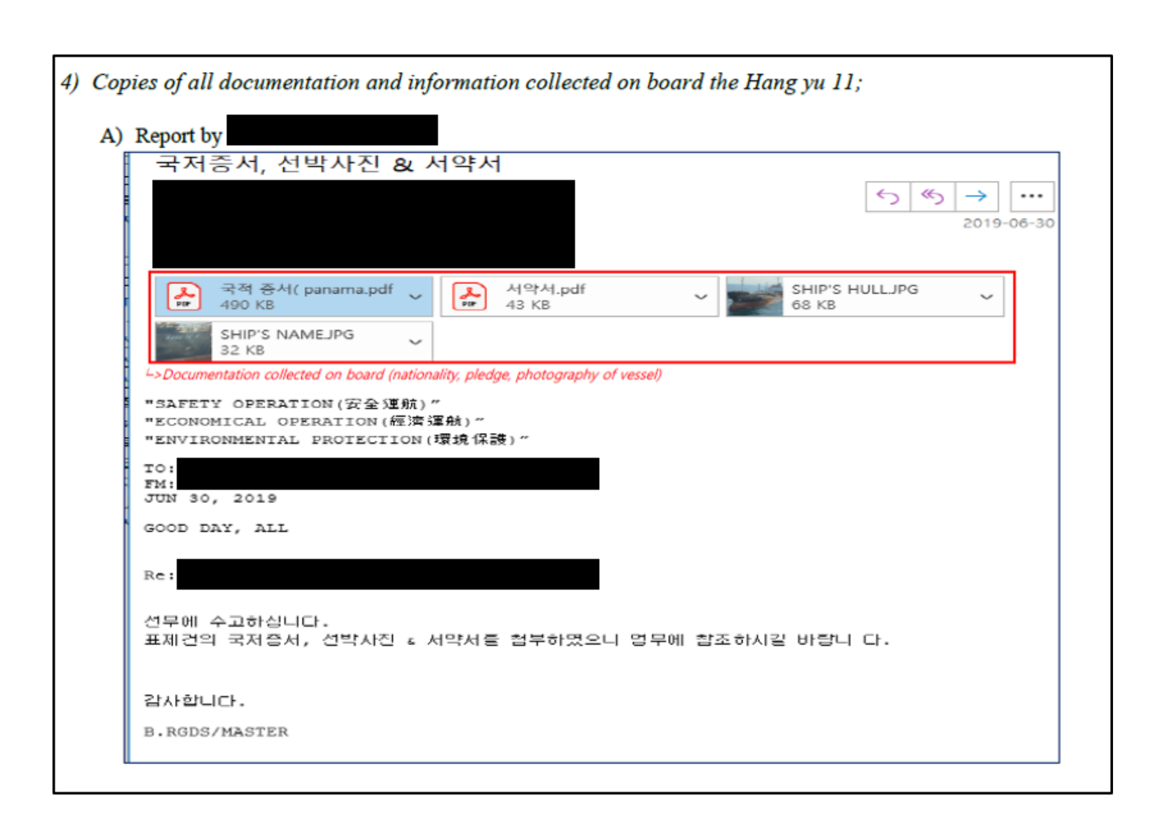
On the 30th of June 2019, [redacted] met *Hang yu 11* that departed from Ningde, China. We investigated this vessel with all information we received beforehand through the best available sources we could access. We found that it appeared not listed on the sanction and not related to any suspicious activities is involved. We much more carefully looked into this vessel since the type of vessel was a tanker and the bigger amount of product it requested. When it approached our vessel, our captain and other responsible crews thoroughly conducted with our manual and calls to check with our office many times.

i. The external appearance when we looked was appropriate as the information given. It has its name engraved on the hull. When communicated with their crews, we did not notice decent accents of related countries on the sanction.

ii. We requested other supplementary information such as seafarer's book, ID card, certificate of registration, and pledge. The certificate of registration was the same as we received before. This was to make sure this vessel was equipped with all documents and we regarded this vessel to be a normal operation vessel.

iii. However, they spent a lot of time passing on their ID which brought attention to have our doubts. The condition of the sea was getting worse and possibly caused to have damages on our vessel.

iv. We instructed our captain to unberth and cancel the operation, ended up forcedly unberthing the vessel by cutting the rope while they kept denying to unberth.



4) Copies of all documentation and information collected on board the Hang yu 11;

A) Report by [redacted]

국적증서, 선박사진 & 서약서

[redacted]

2019-06-30

국적 증서(panama.pdf 490 KB

서약서.pdf 43 KB

SHIP'S HULL.JPG 68 KB

SHIP'S NAME.JPG 32 KB

↳>Documentation collected on board (nationality, pledge, photography of vessel)

"SAFETY OPERATION(安全運航)"
"ECONOMICAL OPERATION(經濟運航)"
"ENVIRONMENTAL PROTECTION(環境保護)"

TO: [redacted]
FM:
JUN 30, 2019

GOOD DAY, ALL

Re: [redacted]

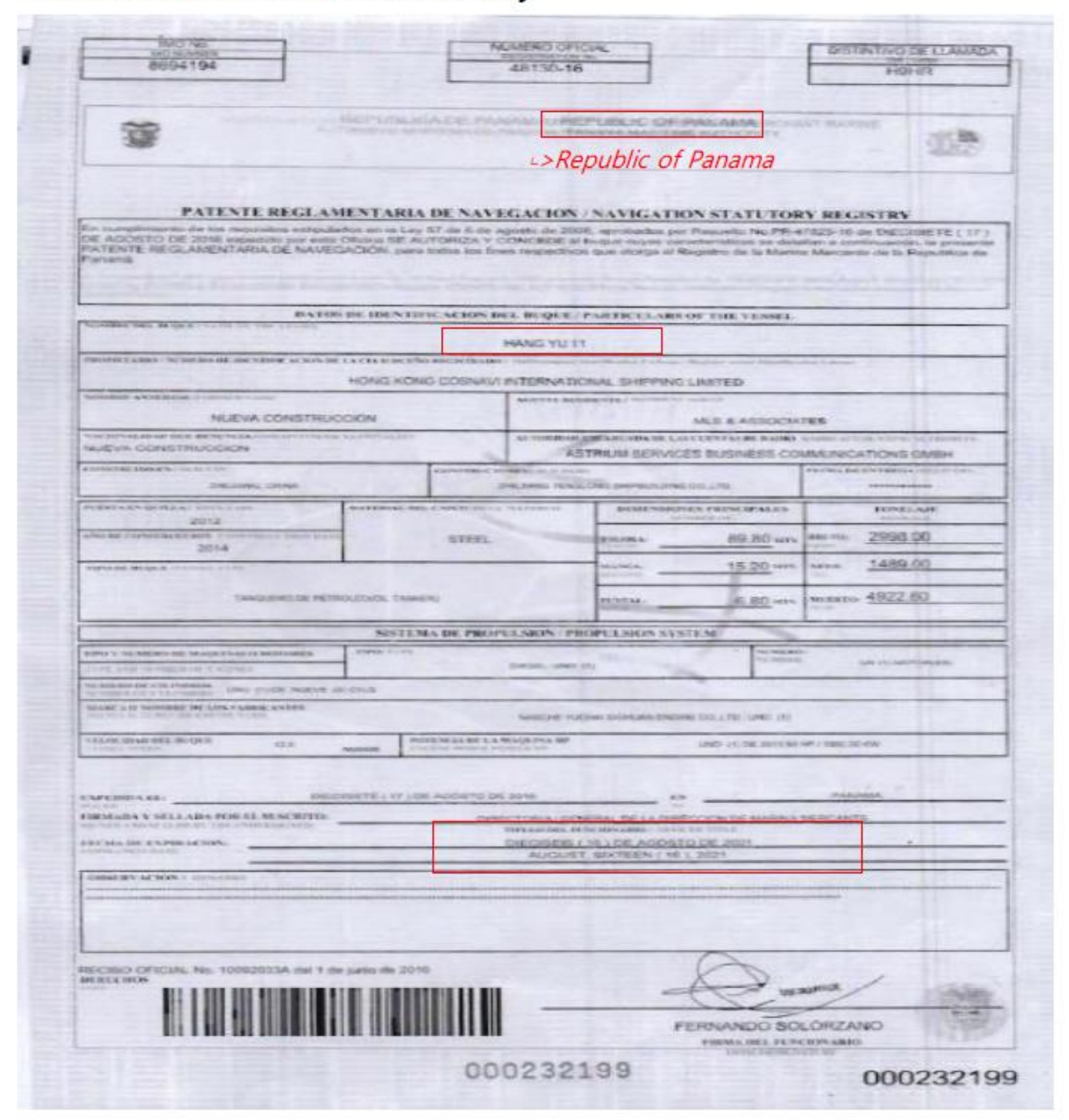
선무에 수고하십니다.
표제건의 국적증서, 선박사진 & 서약서를 첨부하였으니 업무에 참조하시길 바랍니 다.

감사합니다.

B.RGDS/MASTER

B) Copies of all documentation

i. Certificate of vessel's nationality



8694194

48130-16

H9HR

->Republic of Panama

PATENTE REGLAMENTARIA DE NAVEGACION / NAVIGATION STATUTORY REGISTRY

HANG YU 11

HONG KONG COSNAVI INTERNATIONAL SHIPPING LIMITED

NUEVA CONSTRUCCION

MLS & ASSOCIATES

NUEVA CONSTRUCCION

ASTRIUM SERVICES BUSINESS COMMUNICATIONS GMBH

2012	STEEL		89.80		2998.00
2014			15.20		1489.00
			6.80		4922.60

SISTEMA DE PROPULSION / PROPULSION SYSTEM

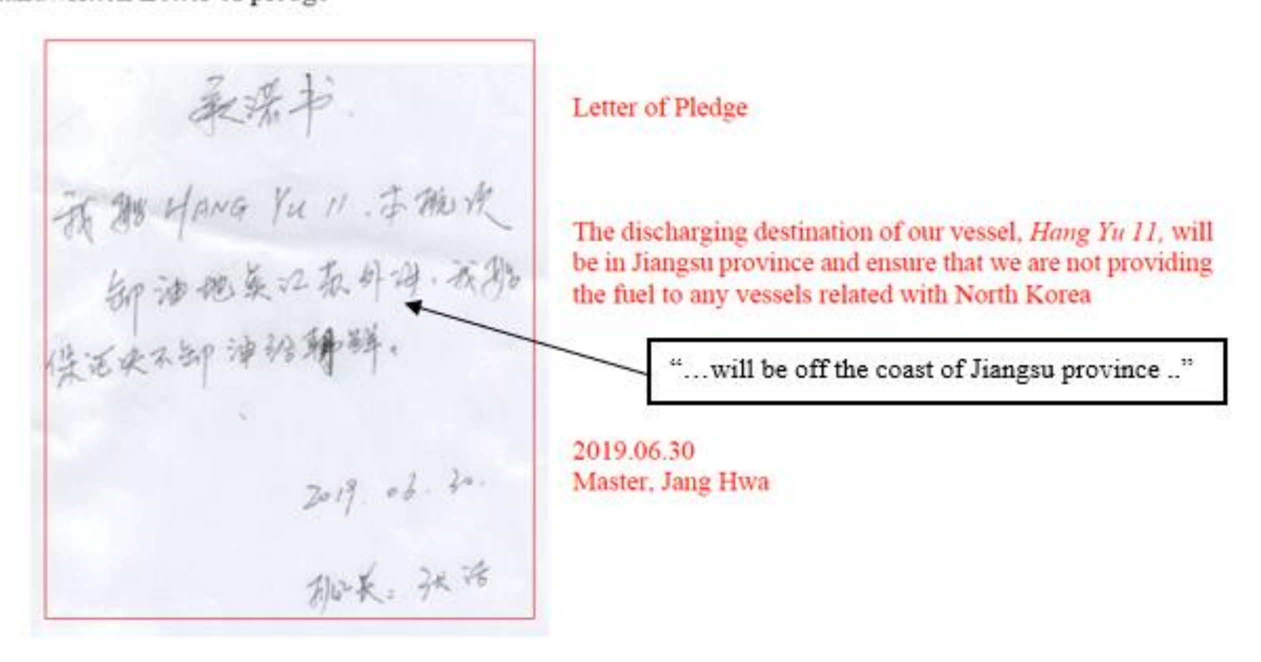
FERNANDO SOLORZANO

000232199

000232199

**Panel comment: The above documentation does not belong to the vessel in question as featured at Annex 23 (a).*

ii. Handwritten Letter of pledge


承诺书。

我船 HANG YU 11. 本航次卸油地点江苏外海，我船保证决不卸油给朝鲜。

2019. 06. 30.

船长：张话

*Boxed comment annotated by the Panel as reflected in the Chinese text

iii. Photograph of *Hang Yu 11*

<Vessel's Hull>



<Vessel's name : Hang Yu 11>

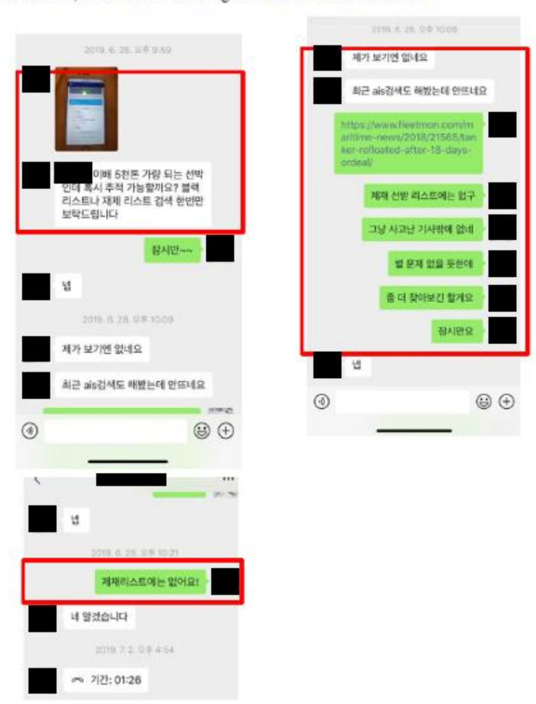


Source: ROK-flagged tanker owner

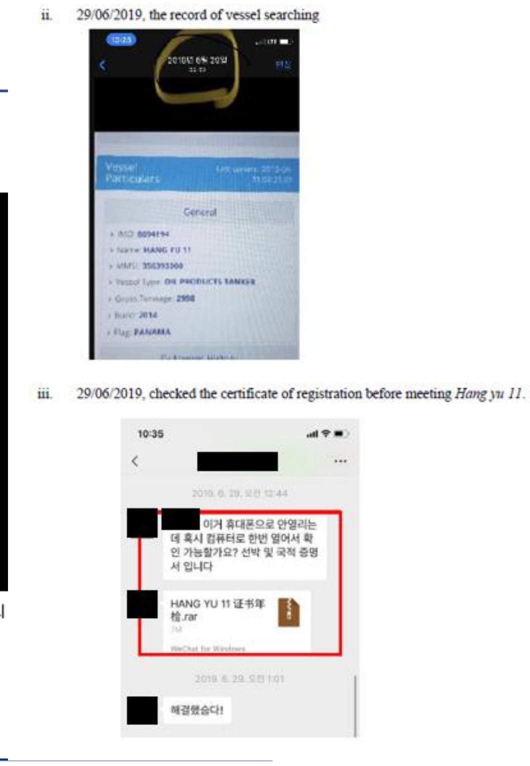
5) A full description with supporting documentation (including from social media such as WeChat)(on the timelines on the request for bunkering

A) We confirmed that this vessel is not included in the UN & OFAC Sanction list when we checked the vessel.

i. 28/06/2019, the communication logs for verification of the vessel



ii. 29/06/2019, the record of vessel searching

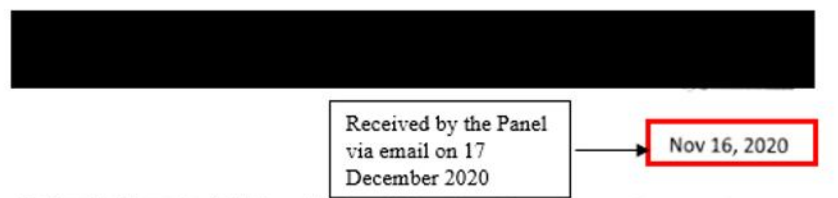


iii. 29/06/2019, checked the certificate of registration before meeting *Hang yu 11*.

Source: The Panel

Annex 24: Response from Ming-Fa Attorneys at Law on behalf of Uniform Shipping Co Ltd[15]

MING-FA ATTORNEYS AT LAW



To Panel of Experts of UN Security Council Sanctions Committee on Democratic People's Republic of Korea (DPRK)

Dear Panel of Experts,

As entrusted by Panama-flagged tanker Infinite Luck (IMO：9063811) shipowner, [redacted] Wang, also known as registered owner of Uniform Shipping Co. Ltd.(hereafter Uniform Shipping), we Ming Fa Law firm are here to clarify the issue addressed in the midterm report established by Panels of Experts pursuant to Security Council resolution 1874 (2009) on 28 August 2020, affirming a ship-to-ship oil transfer between vessel Infinite Luck owned by Uniform Shipping, and a North Korea vessel Myong Ryu 1 (IMO: 8532413) in the East China Sea on 10 January 2020. The incident of involving vessel Infinite Luck in a ship-to-ship transfer was with the Chinese "Mingbo No. 5" tanker. In early Oct 2020, Uniform Shipping acquired the acknowledgement that DPRK-flagged tanker Myong Ryu 1 was disguised as Chinese Mingbo No. 5 tanker only after the midterm report of the resolution 1874 (2009) was published on 28 August 2020. As per our earlier discussion, Uniform Shipping hereby entrusted our firm to provide the following evidence in proving how Infinite Luck was deceived to conduct a prohibited fuel transfer for further committee investigation.

Uniform Shipping is a private company registered in Hong Kong represented by Hong Kong Secretary Service Company - "Standard Business Ltd." working as the designated agent. The owner of the corporation is [redacted] Wang, who lives in Taiwan. The address registered in Hong Kong belongs to the Secretary Service Company, not the actual operating office. The headquarter of Uniform Shipping is located at 11F.-5, No. 12, Fuxing 4th Rd., Qianzhen Dist., Kaohsiung City 806, Taiwan [redacted] in Kaohsiung Software Technology Park. The above information can be confirmed by the company's annual declaration form issued by Hong Kong Government (see annex 1).

[15] According to the legal firm, Mr Wang of Uniform Shipping, the *Infinite Luck's* owner, was only made aware of the incident following publication of the Panel's report in October 2020. The Panel notes that no contact details on Uniform Shipping / Mr Wang were easily available. The Panel sent a letter to Uniform Shipping through two email addresses obtained by the Panel that Mr Wang had used in his past business correspondences. Uniform Shipping's listed address was obtained from the Uniform Shipping's 2019 Annual Returns records from the Hong Kong corporate registry, which typically list the contact details of the company providing corporate registration services and not that of the owner. The Panel notes there was no Qianzhen District, Kaohsiung City address on the attached form provided by the legal firm.

On 2 December 2019, Uniform Shipping signed a short-term diesel freight forwarding service contract, stipulating that from 10 December 2019 to 10 February 2020 (two-month period), Infinite Luck was appointed solely to transport diesel for Hyuen Trade Ltd. (hereafter Hyuen Trade). The total freight expense is 0.98 million in RMB dollars (see annex 2). Based on the agreement, Uniform Shipping started shipping diesel to Chinese Mingbo No. 5 tanker on 10 January 2020. Mingbo No.5 tanker had not been designated by UNSC Sanctions Committee, and only until the midterm report established by Panels of Experts pursuant to Security Council resolution 1874 (2009) on 28 August 2020 was it identified as DPRK-flagged tanker Myong Ryu 1.



Hyuen Trade assigned Infinite Luck to conduct ship-to-ship transfers to designated vessels, are all Chinese fishing auxiliary vessels. Before allowing each freight forwarding delivery to take place, [redacted] Wang, the person in charge of Uniform Shipping, would ask for a photos of the receiving ship to be sent back to office (headquarter),andpassed these photos through company's operation staff to Hyuen Trade staff, in order to confirm the ship. Therefore, Uniform Shipping still kept this these photos which clearly showed that the vessel was in disguise as Chinese Mingbo No. 5 tanker (see annex 3). In addition, after the delivery was completed on 10 January 2020, Infinite Luck, in compliance with Uniform Shipping standard operation procedure, would require Mingbo No.5 Master to sign "Bunker Delivery Receipt" and verify that diesel oil entrusted by Hyuen Trade to be carried by Infinite Luck had been delivered to Mingbo No.5 (see annex 4). This Bunker Delivery Receipy can also prove that Infinite Luck had no intention of engaging illicit shipping practices with North Korea vessels and always took appropriate due diligence measures.

In 2019, Infinite Luck tanker had some maintenance and repairing at Shenyin Shipping Engineering Co., LTD (hereafter Shenyin Shipping) in FuJian, China, and a total fee of 1.05 million RMB dollars was incurred. Since Hyuen Trade had to pay 0.98 million RMB to Uniform Shipping, Uniform Shipping instructed Hyuen Trade to pay on its behalf. The fact that Shenyin Shipping receiving the payment from Hyuen Trade can be proved by the receipt (see annex 5), which also indicates the fact that Infinite Luck was working in accordance with Hyuen Trade's instructions to transport diesel, and at that time Infinite Luck crew and Uniform Shipping shipowner [redacted] Wang didn't know Mingbo No. 5's concealed identity as DPRK-flagged tanker Myong Ryu 1.

Based on the above information, it is explicitly clear that Infinite Luck would not have known the true identity of Chinese Mingbo No. 5 tanker prior to the delivery taken on 10 January 2020, and the crew of Uniform Shipping and Infinite Luck had no subjective intention to transport diesel to North Korea vessels. If there are any doubts that need to be clarified, please contact us anytime and we will fully assist Uniform Shipping to cooperate with further investigation.

Sincerely yours,

Ming Fa Law Firm 銘法法律事務所



[redacted]



Annex 1: Uniform Shipping Co. Ltd.'s annual declaration form

Annex 2: The short-term diesel freight forwarding service contract signed between Uniform Shipping Co. Ltd. and Hyuen Trade Ltd.

Annex 3: Myong Ryu 1 in disguise as Chinese Mingbo No.5 on 10 January 2020

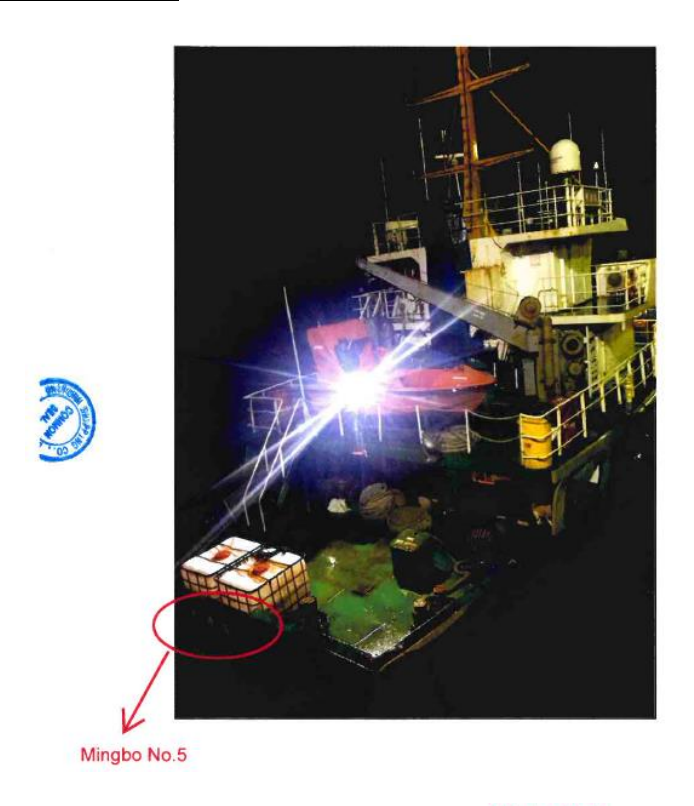
Annex 4: Shipping order signed by Mingbo No.5 shipowner

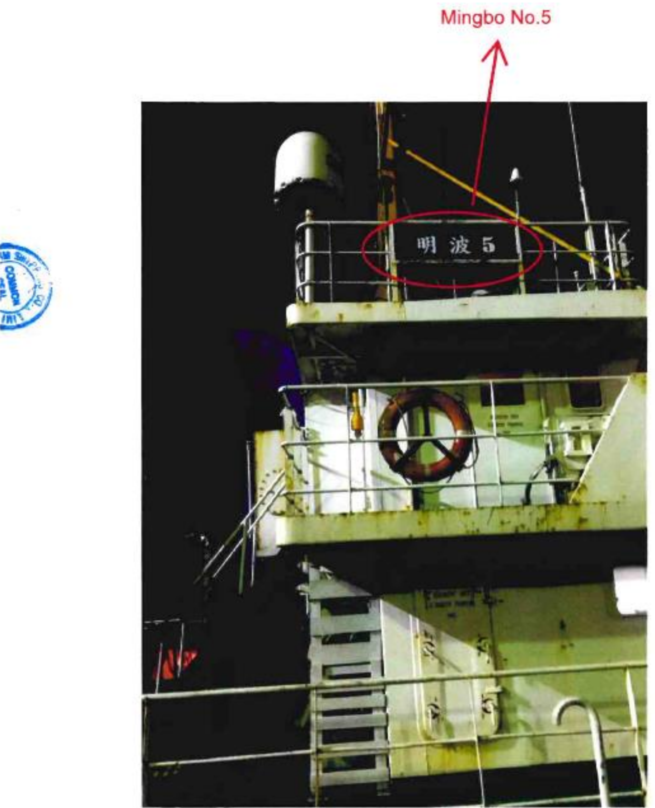
Annex 5: Receipt from Shenyin Shipping Engineering Co., Ltd. to Hyuen Trade Ltd.

Nov 16, 2020

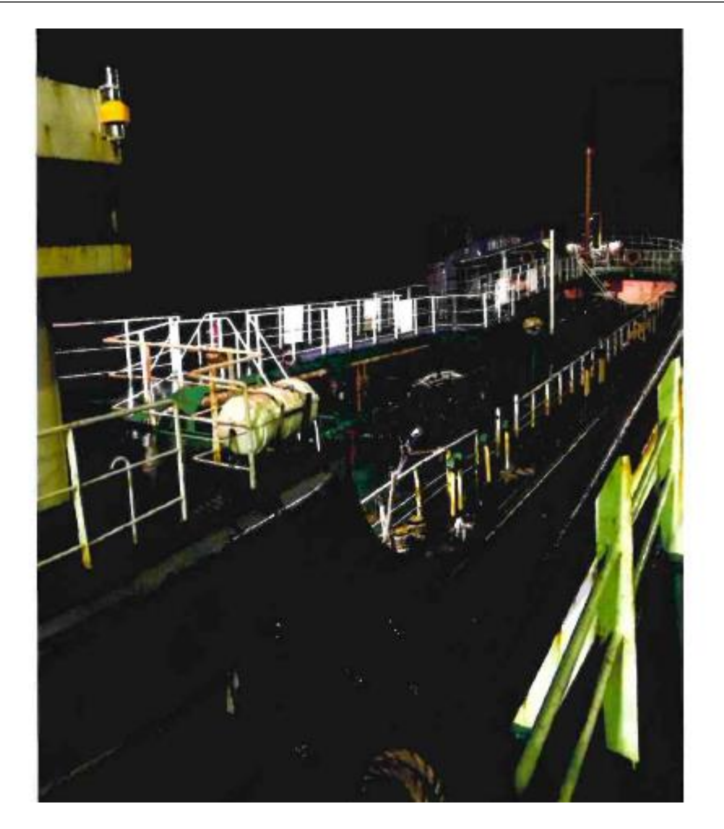
Excerpts of Relevant Annexes of Photographs and Documentation provided relating to the company’s due diligence measures

Annex 3





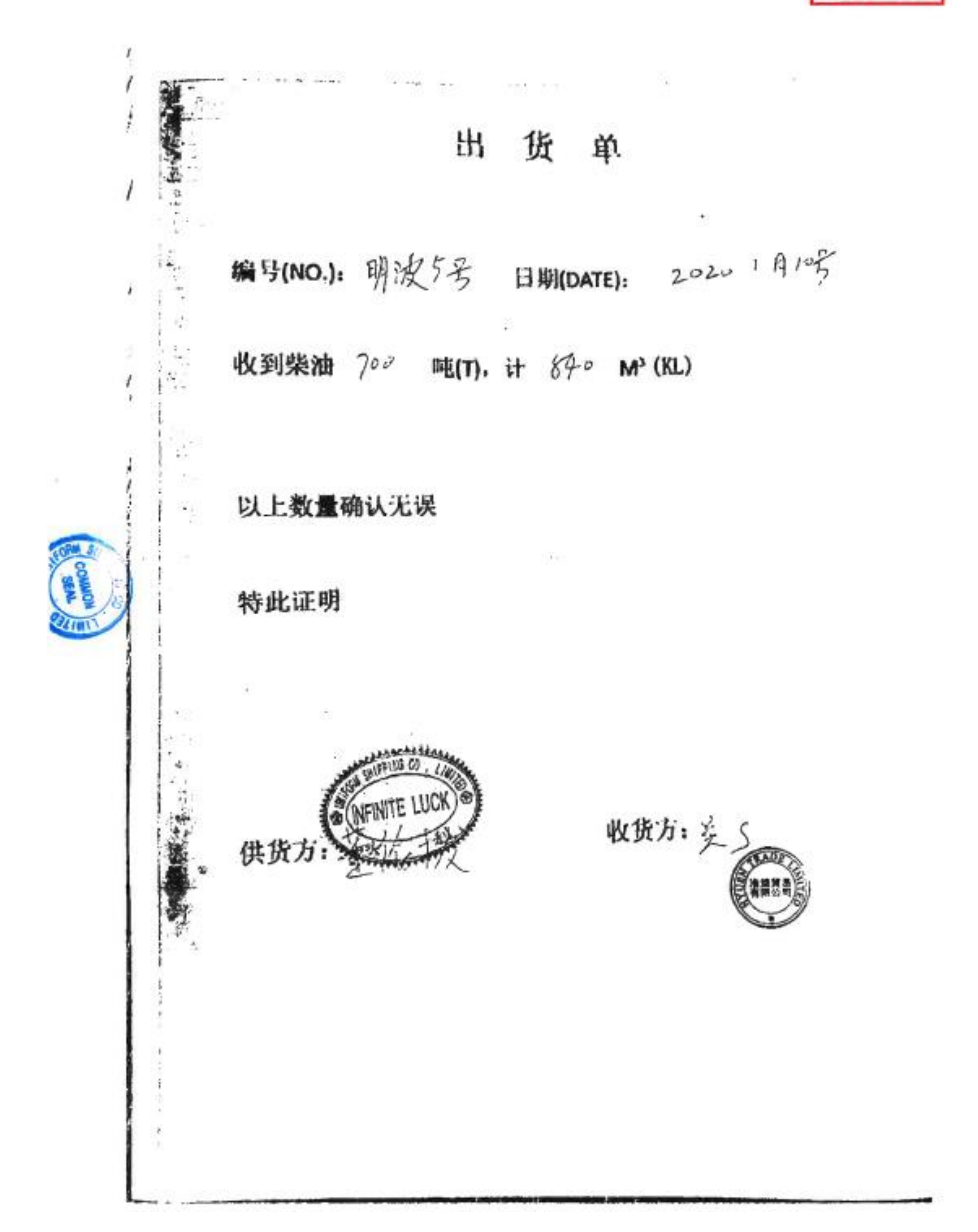








ANNEX 4



出 货 单

编号(NO.): 明波5号 日期(DATE): 2020 1月10号

收到柴油 700 吨(T), 计 840 M³ (KL)

以上数量确认无误

特此证明

供货方:

收货方:

Source: The Panel, boxed comments are annotated by the Panel.

Annex 25: Additional non-DPRK vessels delivering refined petroleum products to the DPRK from May 2020 to October 2020

Despite the majority of the vessels listed below no longer registering a flag and having no updated ownership information on maritime databases, the vessels continued to trade in international waters, obtaining their refined petroleum supplies for delivery to the DPRK.

The *An Ping, Rich United, Heng Rong, Xin Hai* and *Xing Ming Yang 888* were not flagged when they were reported delivering refined petroleum in the DPRK, with the last three tankers sailing without a flag for over a year while continuing to trade.

The *Heng Rong, Xin Hai* and *Xing Ming Yang 888* had their management companies dissolved or struck off on the Hong Kong company registry at least a year before these vessels engaged in sanctionable deliveries of unreported refined petroleum. None of these entities had updated ownership information on maritime databases. The *An Ping* and *Run Da* were sold around the time they were recorded delivering refined petroleum at Nampo, with the *An Ping* sold to an undisclosed buyer and the *Run Da* not reporting its sale.

(i) *An Ping* (IMO: 7903366)

The *An Ping*, formerly Sierra Leone-flagged, delivered unreported refined petroleum to the DPRK and was recorded on satellite imagery berthed at Nampo on 8 July 2020 (see figure 1). The vessel also delivered refined petroleum on at least two other occasions in June 2020[16]. The Sierra Leone Maritime Authority confirmed the vessel was de-registered on 2 July 2020 on the grounds of the vessel's sale, shortly before it conducted a port call at Nampo.

Figure 1: *An Ping* delivering refined petroleum at Nampo, 8 July 2020



Source: Member State

[16] Annex-21.

The *An Ping* was recorded on a maritime database as sold to an undisclosed buyer[17] in July 2020. The vessel has since been sailing as flagged unknown. Over the period the *An Ping* was reported to have delivered refined petroleum to the DPRK, it recorded a month long AIS transmission gap between June and July 2020, with no further transmissions since August 2020[18]. The vessel also conducted other suspect voyages with AIS transmission gaps outside of the above-mentioned occasions. Lack of AIS transmission while carrying re-stricted or banned commodities in affected waters has been recorded in the Panel's reports as a regular feature in vessels that have conducted illicit activities.

The *An Ping's* registered owner, ship manager and operator, Spring Gain International Ltd, incorporated in the British Virgin Islands, was recorded on the same maritime database as no longer active. The Panel wrote to the Document of Compliance (DOC) company holder, Gold Advance Corp (hereafter "Gold Advance"), registered in Samoa and based in Kaohsiung City, Taiwan Province of China. Gold Advance responded that there was a change in ownership of the company and that the present owner "On the day of cancellation ship management contract … did not work as DOC holder for An Ping". A Bill of Sale provided to the Panel showed the vessel was sold in May 2020 by Spring Gain International to a Ms Gong with an address at Shishi City, Fujian Province, China. According to the current management, "While previous management team planned to close the Gold Advance Corp., to avoid direct cost impact to shipowner by closing Gold Advance Corp., the current management was invited to take over …. Instead of asking owner to change to other DOC company … and this can save amount of expense for shipowners…". Elsewhere in its letter, Gold Advance stated, "As far as we know, and the information from previous management team "… this DOC work service is that they provide ship's safety management manual and procedure to ship for safety management quality implementation and meets ISM Code". See Annex 5(a) for relevant attachments.

(ii) *Heng Rong* (IMO: 7913098)

The *Heng Rong*, unknown-flagged since October 2018[19], delivered unreported refined petroleum to the DPRK and was recorded on satellite imagery on 6 August 2020 and on 23 August 2020 laden at Nampo Lock Gate (see figure 2).

Figure 2: Satellite Imagery of the *Heng Rong* (IMO: 7913098) in August 2020 outside Nampo, DPRK Lock Gate, DPRK





Source: Member State

[17] IHS Markit.

[18] All records unless otherwise stated in the report are as on December 2020.

[19] De-registered from Sierra Leone flag registry due to outstanding dues.

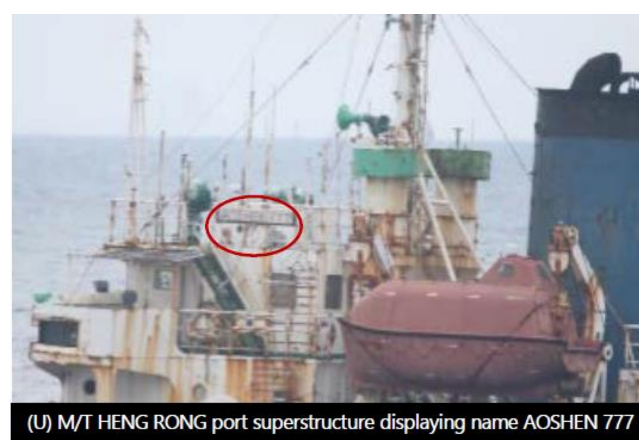
The *Heng Rong* recorded an unaccounted 3-month gap in AIS transmission between July and October 2020, covering the above-mentioned dates when the vessel was reported to have been in the DPRK.

A Member State reported to the Panel that during this period, and between port calls to the DPRK, the vessel conducted a ship-to-ship transfer on or around 15 August 2020. In September 2020, the vessel was photographed by the Member State during its hail and query with a changed name "*Aoshen 777*" displayed on its superstructure (see figure 3). Maritime databases have not recorded a change in the vessel's name.

Figure 3: *Heng Rong* changing out its name to *Aoshen 777* while being hailed and queried, 14 September 2020



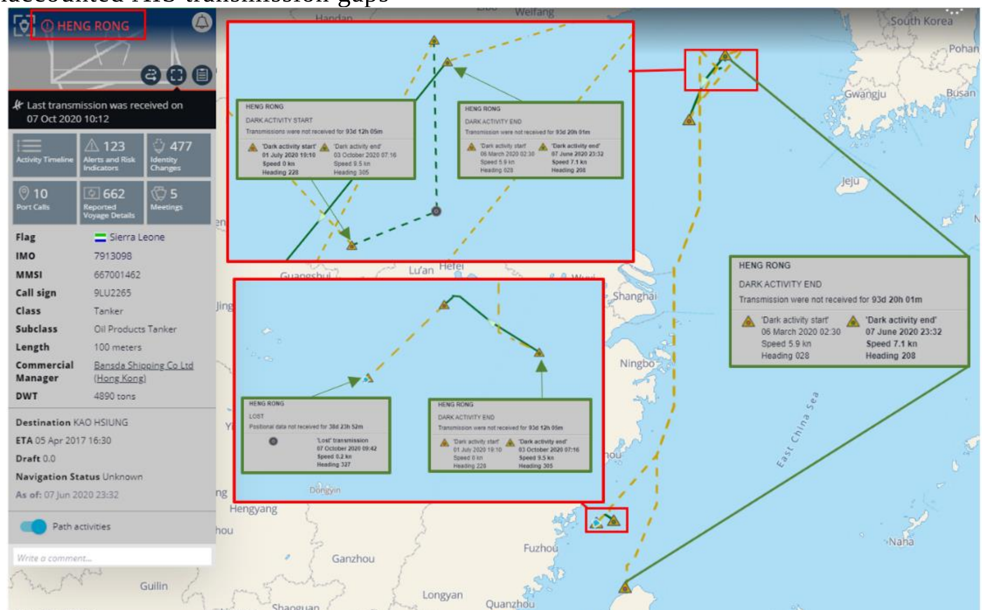
(U) M/T HENG RONG prior to changing displayed name


(U) M/T HENG RONG port superstructure displaying name AOSHEN 777

Source: Member State

Outside of this period, the Panel notes that the vessel had displayed a previous extended period of unaccounted for gap in AIS transmission , from March to June 2020 (see figure 4), suggesting the possibility of other illicit activities.

Figure 4 Unaccounted AIS transmission gaps



Source: Windward, annotated by the Panel

In January 2021, Sierra Leone noted in an official letter notifying that the *Heng Rong* was reportedly using fraudulent certificates supposedly issued by the Sierra Leone Maritime Administration to continue to operate (see Annex 5(b).

The *Heng Rong's* registered owner, ship manager and operator, Bansda Shipping Co Ltd recorded on the International Maritime Organization's website was dissolved on the Hong Kong company registry's database on 2 February 2018, indicating a likely transfer of ownership that was not updated.

(iii) Rich United (IMO: 9129213)

The *Rich United* (IMO: 9129213) was recorded on satellite imagery at Songnim on 13 June 2020 (see figure 5). The vessel also delivered refined petroleum on at least one other occasion in May 2020[20]. A commercial maritime database platform showed the *Rich United* with several days of unaccounted gaps in AIS transmission during the dates of the suspected port calls at Nampo, DPRK. The vessel had also exhibited other periods of unaccounted AIS gaps outside of this period.

Figure 5: *Rich United* delivering refined petroleum at Songnim, 13 June 2020



Source: Member State

The *Rich United* was unknown flagged during these times of reported delivery. The vessel was recorded flagged under the Cook Islands for a year and de-registered on 4 May 2020. The International Maritime Organization listed the vessel as Mongolian-flagged on August 2020, sailing as the *Xin Hai*[21]. In response to the Panel's enquiry, Mongolia confirmed the vessel was not registered under its ship registry during the time indicated by the Panel of Experts report. Mongolia registered the vessel on 5 August 2020 and "… started using radio-communication number MMSI 457 206 000. Before registering the vessel , the Maritime Administration has run through all the necessary procedures and found no facts or information on violation of the UNSC relevant resolutions and sanctions. As the former owner (Rich United Trading Limited) of the vessel

[20] Annex 21.
[21] International Maritime Organization, December 2020.

"XIN HAI" has been changed and upon the request of the new owner the vessel "XIN HAI" de-registered from the Mongolian ship registry on 15 December 2020". See also Annex-M5(c) and 5 (d).

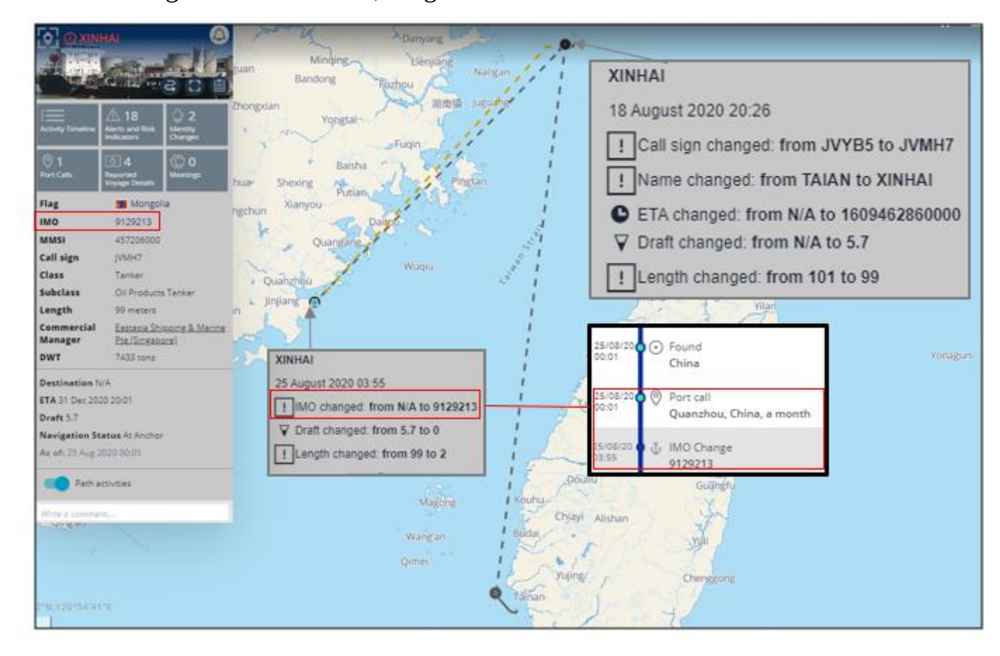
In the course of its investigations, the Panel noted several inconsistencies in AIS data transmissions on a maritime database platform. In December 2019, a vessel began transmitting positional information as the *Taian* under a Mongolia-associated MMSI number: 457206000. The *Taian* was initially transmitting without an IMO number. The *Taian* also transmitted on several occasions on the said MMSI at the same time as when the then Cook Islands'-flagged *Rich United*, was transmitting its then-issued MMSI number 518100674 (see figure 6), indicating these were two separate vessels.

Figure 6: *Taian* and *Rich United* MMSI's transmitting at the same time on various occasions

Source: Windward

A vessel transmitting the *Taian's* Mongolia-associated MMSI number and call sign JVYB5 sailed to Quanzhou port area on 25 or around August 2020 (EST), where it began transmitting the *Rich United's* IMO number. The vessel had changed its name from *Taian* to *Xin Hai* a week earlier prior to entering the port area (see figure 7). The Panel sought Mongolia and China's assistance into the AIS transmission discrepancies.

Figure 7: Identifier changes to the *Xin Hai*, August 2020.



Source: Windward, annotated by the Panel

Mongolia replied that the “TAI AN” (IMO 8676324) was registered with its ship registry from 17 March to 17 September 2015, using the MMSI: 457 206 000. “Upon the registry’s expiration, the same radio-communication equipment/number is being used by the newly registered vessel. Accordingly, the radio communication number formerly used by “TAI AN” has been transferred to the vessel “XIN HAI” registered in 2020, thus may be caused a similar situation for both vessels”.

China replied that the ““Rich United” is a wrong name, which should be “Swift” according to its MMSI number. There is no record of this vessels entering or leaving Chinese ports.”

The Panel’s prior investigations into the *Rich United* listed the vessel as registered under Mongolia’s ship registry before, between June 2017 and May 2019, sailing as the *Swift*. Panel research, also corroborated by Mongolia’s reply, listed the *Swift* with MMSI number: 457451000. It would appear, based on Chinese response, that the vessel was transmitting its historical MMSI number associated with the *Swift* when it was at Quanzhou port area in late August 2020.

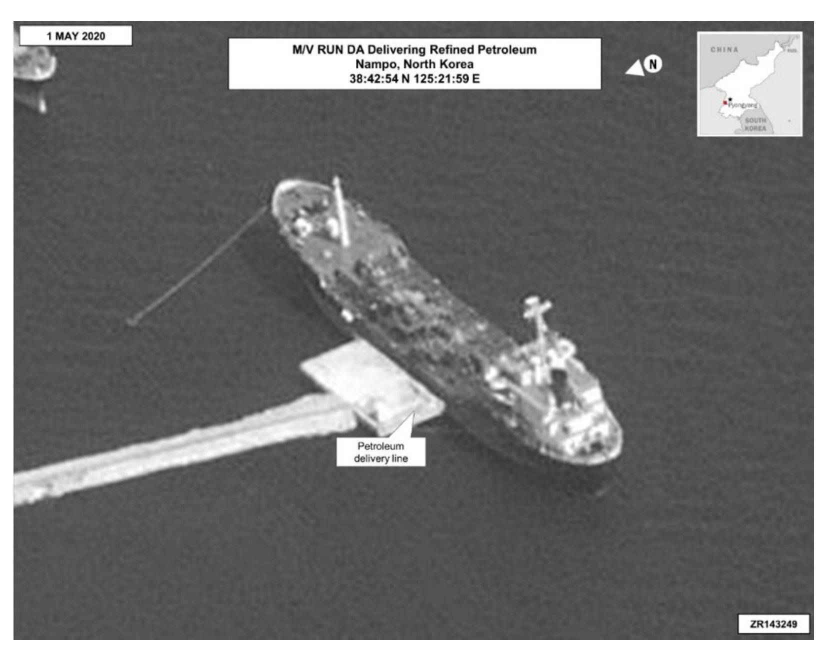
The *Rich United’s* registered owner is the Seychelles incorporated Rich United Trading Ltd (hereafter “Rich United Trading”), listed under the care of address of EastAsia Shipping & Marine Service Pte Ltd (hereafter “ EastAsia Shipping’), a Singapore-registered company which has also served as the *Rich United*’s ship manager and operator since May 2019. Seychelles responded to the Panel. EastAsia Shipping has yet to respond to the Panel. Investigations continue.

(iv) *Run Da* (IMO: 8511172)

The then-Mongolia-flagged *Run Da* delivered unreported refined petroleum to the DPRK and was recorded on satellite imagery berthed at Nampo petroleum delivery pier on 29 April 2020 (see figure 8). The vessel also delivered refined petroleum at Songnim on 5 June 2020. The *Run Da* exhibited unaccounted AIS gaps on several occasions over a sample four month observed period (see figure 9), indicating the vessel may have conducted illicit activities outside of the above-mentioned dates. From 15 June to 15 August (EST), when the

vessel reappeared after two months without AIS signal, the vessel recorded a length change back to its original[22] dimension, suggesting possible obfuscation of the vessel's identity during the two months.

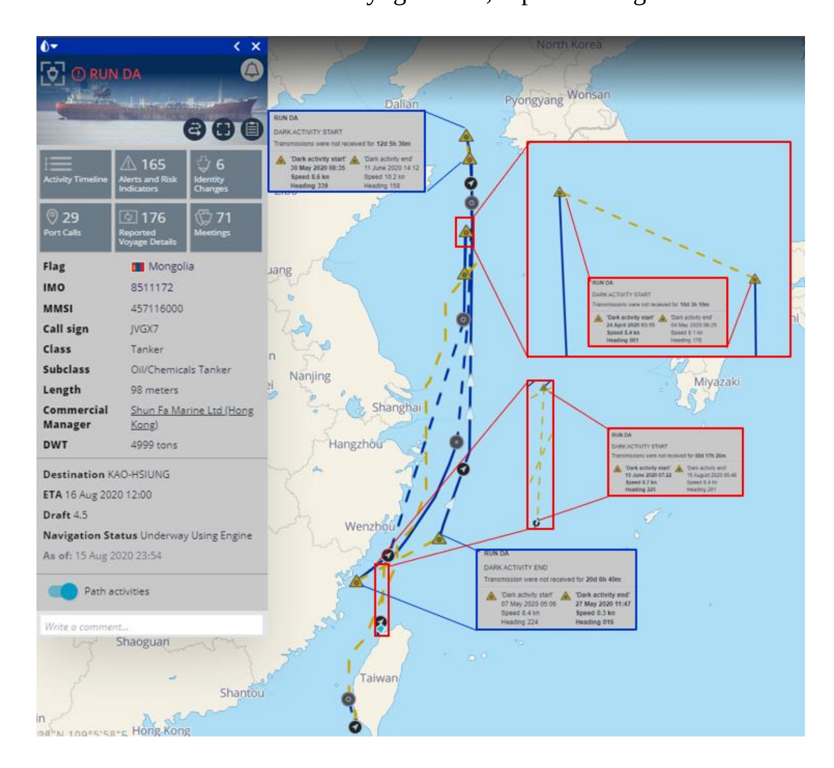
Figure 8: Satellite imagery of the *Run Da* at Nampo port



Source : Member State

[22] The *Run Da's* reported length change was from 114 meters to 98 meters. The vessel's length is 98 meters.

Figure 9: Sample four months of the *Run Da*’s voyage route, April to August 2020



Source: Windward, annotated by the Panel

The Panel wrote to Mongolia and to the vessel’s Class Society. SingClass International Pte Ltd (hereafter “SingClass”)[23] informed the Panel that “Based on your complaint and report, our findings showed the owner had contravened our classification safety requirement and also breached the Mongolia Ship Registration Regulations by going out of the A1 trading region plus the breached of the UN Sanction Resolution. We have informed the Mongolia Ship Registry, which they had closed the ship registry with immediate effect. With Mongolia Registry closed, SingClass’s Statutory certificates for the vessel are now null and invalid and the vessel is out of our class at this point in time”. Mongolia reverted with additional documentation that the Panel is studying.

Singclass subsequently informed the Panel that it obtained information the *Run Da* was sold on to Long River Shipping Limited based in Fuzhou, China, on 10 April 2020 and the month prior to the vessel’s port call in the DPRK. As the transfer of ownership was not reported with the requsite de/re-registration of flag and certificate that typically accompany an ownership change, SingClass considered the non-reporting a deliberate attempt to falsely use the vessel’s old registry and its associated statutory trading certificates, which would be nullified with such a sale (see figure 10).

[23] According to the Mongolian Ship Registry website, SingClass serves as the registry’s in-house technical arm.

Figure 10: Bill of Sale of the *Run Da*

BILL OF SALE (Body Corporate)

IMO number	Name of Ship	Built year and Flag	Whether a sailing, steam or motor ship	Power of engines (if any)
8511172	RUN DA	Built 1985 / Japan	MOTOR SHIP	2,900 KW

	METERS	Number of Tons	
Length	96.05		
Breadth	15.50	Gross	Net
Moulded Depth	7.50	3,384	1,578

and as described in more detail in Memorandum of Agreement dated 9th April 2020

We, SHUN FA MARINE LIMITED, (hereinafter called "the Transferor") having our registered address at Cheong Sun Tower, 116-118, Wing Lok Street, Sheung Wan, Hong Kong, in consideration of the sum of USD 100,000 (United States Dollars One Hundred Thousand only) paid to us by LONG RIVER SHIPPING LIMITED, (hereinafter called "the Transferee(s)") having its registered address at registered office at Haitan East Road, Pingtan County, Fuzhou City, Fujian Province, China, the receipt whereof is hereby acknowledged, transfer all the shares in the Ship above particularly described, and in her boats and appurtenances, to the said Transferee(s).

Further, we, the said Transferors for ourselves and our successors covenant with the said Transferee(s) and their assigns, that we have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from all registered encumbrances, mortgages, maritime liens or any other debts whatsoever.

In witness whereof we have executed this document on April 10, 2020.

[redacted]

SHUN FA MARINE LIMITED [redacted]

LONG RIVER SHIPPING LIMITED [redacted]

April 10, 2020

Source: The Panel

Shun Fa Marine Limited (hereafter "Shun Fa Marine"), a Hong Kong incorporated company, is listed as the *Run Da's* group and registered owner, ship manger and operator since November 2019[24]. The vessel had transferred ownership five months prior to its recorded delivery of refined petroleum at Nampo port in May 2020 from Golden Sun Ocean Co Ltd to Shun Fa Marine Ltd, entities incorporated in Hong Kong, China. The *Run Da*'s Document of Compliance company holder and Technical Manager, Golden Lamp Stand Shipping Safety Management Consultant Co Ltd, a Kaohsiung-based company, has been with the vessel since 2011.

Publicly available sources list a Philippines' national (hereafter "Person P1") is registered on the Hong Kong company registry as Director of Shun Fa Marine. Person P1 had also previously registered a company, Bayabas Shipping Co Limited, with the Hong Kong company registry and provided the same national identification number. In November 2019, Shun Fa Marine's shares were transferred to another Philippines' national (hereafter "Person P2"). Person P2 shares the same family name with person P1 and the Panel is in the process of determining the nature of commercial and / or family relationship between these individuals.

The Philippines authorities provided the Panel with its interim investigation results. Its authorities confirmed there were no existing records in its national Business Name Registry and the Supply Chain database on Person P1 and his two companies. The Business Name Registry limits data to sole proprietors registered with the Department of Trade and Industry and the Supply Chain database limits data to logistics service providers. The Philippines Department of Justice and its National Bureau of Investigation have returned three derogatory records on Person P1 but have yet to ascertain whether the records pertain to the actual Person P1 in question. Further investigations remain on-going on the subject. On 22 October 2020, a subpoena was issued to the subject at the listed address as contained in the Hong Kong Company Database records" provided by Person P1. The Philippines stated it would convey additional information it could provide to the Panel as they are made available.

[24] IHS Markit as on December 2020.

Xin Hai **(IMO: 7636638)**

The *Xin Hai* was unknown flagged during the time the vessel delivered refined petroleum to Nampo on 1 September 2020. The vessel was flagged under Sierra Leone until November 2019. The vessel's manager and operator Baili Shipping and Trading Limited was dissolved by de-registration on the Hong Kong corporate registry in March 2018. Investigations continue.

(v) *Xing Ming Yang 888* (IMO: 8410847)

The unknown-flagged *Xing Ming Yang 888* (IMO: 8410847) delivered illicit unreported refined petroleum products to the DPRK on at least two occasions, on 3 June 2020 (see figure 11) and 28 June 2020. The vessel, sailing as flagged unknown since November 2018, was recommended by the Panel for designation for having engaged in a ship-to-ship transfer with the *Mu Bong 1* (IMO: 8610461) in 2018[25].

Figure 11: Satellite imagery of the *Xing Ming Yang 888* at Songnim port

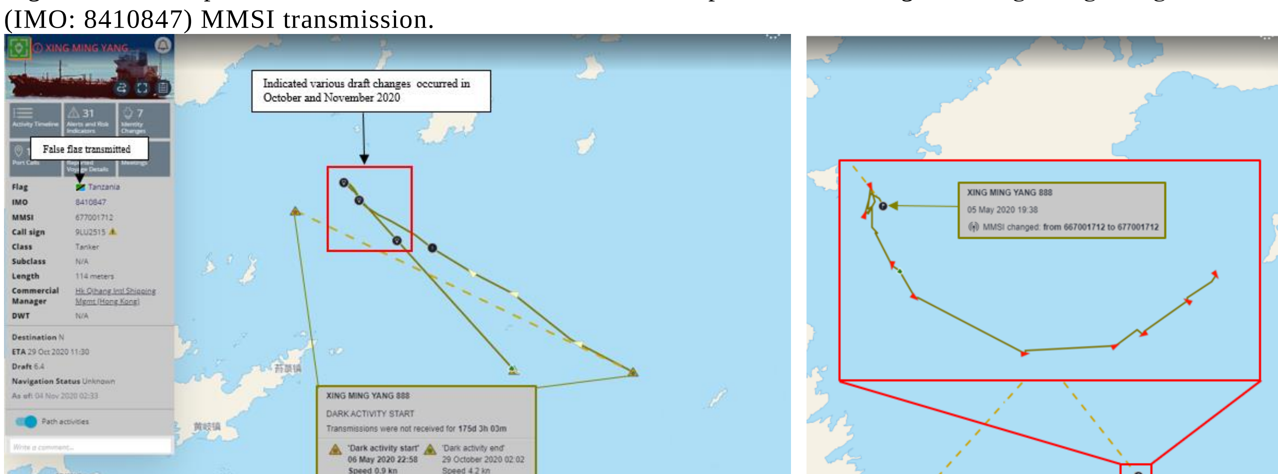


Source: Member State

A commercial maritime database platform recorded the vessel as sailing under false identifiers and transmitting a Tanzanian associated MMSI: 677001712 at some point in May 2020 while in Chinese territorial waters near Luoyuan Bay area (see figure 12). The Panel has observed vessels conducting sanctionable and illicit activities often transmit false flags and other identifiers, including MMSIs, in an attempt to obscure their identity. While the vessel was in Chinese waters in December 2020, the Panel sought China's assistance on information on the vessel including whether it entered port, whether the vessel was being detained and documentation from the vessel including verification of the vessel's identifiers. China responded that there was no record of the vessel entering or leaving Chinese ports.

[25] Paragraphs 15 to 17 and figure VII, S/2019/171.

Figure 12: Excerpts from a commercial maritime database platform showing the *Xing Ming Yang 888's* (IMO: 8410847) MMSI transmission.



Source: Windward, annotated by the Panel

During the time of the vessel's reported delivery of refined petroleum to the DPRK, the *Xing Ming Yang 888's* recorded registered owner, Xing Ming Yang (HK) Shipping Co. Ltd was already listed as a dissolved entity since June 2019 on the Hong Kong company registry, as was the vessel's listed operator, manager and Document of Compliance company holder, HK Qihang International Shipping Management Ltd. Investigations continue.

Source: The Panel

Annex 25 (a): Letter from Gold Advance Corp, dated 10 January 2021 and extracts of its attachments

To DPPA, United National, USA
From Gold Advance Corp.
Date 10 January 2021

Subject: Reply on Outgoing Communication #443 from the POE DPRK to Gold Advance Corp (An Ping)

Dear Sirs,

We received a facsimile message from DPPA of United Nations New York, USA dated on 11 December 2020 stating the motor tanker An Ping suspectedly involving in DPRK incident. This message was received recently by forwarding from previous personnel of the company.

First, we would like to advise that there was a management change of this company Gold Advance Corp. around 7 May 2020, including director position. We would like to express our concerns to you about this matter, and we hope to clarify by explaining below that the Gold Advance Corp. did not involve in DPRK operation.

The previous Gold Advance Corp management decided to close their business and laid off their staffs due to bad shipping market in recent year, it is said some of shipowner closed their business due to the impact of COVID 19. As far as we know, and the information from previous management team, the company Gold Advance Corp provides ship management consultant for ships with Document of Compliance (hereunder called as DOC) issued by relevant registry flag. Basically, this DOC work service is that they provide ship's safety management manual and procedure to ship for safety management quality implementation and meets ISM Code. For the case of [redacted] inspection in Taiwan, Gold Advance Corp also assist to rectifying the deficiencies in order to comply ISM requirement and port requirement. Currently Gold Advance Corp works as DOC company. The seafarer recruitment and technical repairing/supplying are done by owner or its appointed agent. It was understood that previous management team of Gold Advance Corp worked as DOC company only.

While previous management team planned to close the Gold Advance Corp., to avoid direct cost impact to shipowner by closing Gold Advance Corp., the current management was invited to take over the Gold Advance Corp, instead of asking owner to change to other DOC company, so by this, DOC company won't be changed from the aspect of ISM Code requirement, and this can save amount of expense for shipowners

Page 1

that already put their ships under Gold Advance Corp DOC. For information, the example of change DOC, the estimated cost including other certification would be reached to USD 10,000 to USD 16,000 for a ship to shipowner.

While during Gold Advance Corp. change management, An Ping shipowner did not continue to work with us as they plan to change to other ship management (DOC) or sale the ship due to their various concern, however we did not know their final intention after that. There was a cancellation of ship management agreement made between Gold Advance Corp and An Ping shipowner Spring Gain to avoid future dispute. The Spring Gain International Limited are required to change ship management as earlier as possible after this cancellation letter signed.

It was the time about in June that we heard the ship is going to delete from Sierra Leone. We have got Bill of Sale through owner after receiving your letter that the sale was made on 20 May 2020. It appeared that owner sold this ship on May 2020 after management cancellation.

In addition, we did not know this company was inactive because in registry certificate, the shipowner still named Spring Gain International Limited, we thought this company does not have problem.

As far as the reference we had in hand, we know this company director is named Gong [redacted]

We would also like to reply your question mentioned in your message as below:

In page 2

1) Confirmation that Gold Advance Corp served as the Document of Compliance (DOC) company holder for the An Ping (IMO: 7903366). Please confirm the dates and exact vessel services provided by your company and its associates. Please provide all supporting documentation; Copies of contracts and agreement between your company and the An Ping's owner and / or representatives for services rendered to the Vessel; Please also provide information and full contact information for the owner
   On the day of cancellation ship management contract, Gold Advance Corp did not work as DOC holder of An Ping. Cancellation of ship management agreement is attached for reference. Owner reference available in our hand attached as well.

2) Information on the entity / individual the An Ping was sold to in July 2020 along with all documents related to this sale
As per Bill of Sale provided from owner side, please see attached.

3) Information and documentation of your company's involvement in the ship's sailing operation in 2020 and on any other occasion where the An Ping visited the DPRK
Gold Advance Corp does not involve in DPRK operation as this company work on professional ship management for providing service of marine industry shipping standard.

4) Copy of all communications (including through messaging platforms such as WeChat related to the instruction on the voyage routes and any port calls or visits to the DPRK?
We did not have such communications as there is no involvement of DPRK operation

5) Any other information that you might consider relevant to the Panel's work as mandated by the Security Council in connection with the above or other similar trade and / or facilitation activities in potential violation of the applicable resolutions?
No.

With regard to assisting your investigation on below questions:

1. Nature of Gold Advance's relationship with Pacific Expert?
We do not know this company or any relevant to our ship management. This is our first time hearing this company.

2. Nature of Gold Advance's relation with Winson Shipping Taiwan Co., Ltd., the vessel's previous DOC company holder?
As per the reference we had in hand while took over Gold Advance Corp. this company has no relationship with Winson Shipping Taiwan Co., Ltd.

3. Information on whether Gold Advance Corp has in common with Pacific Expert any beneficial owner, office bearer, shareholder or employee, with full details if so?
Gold Advance Corp has no relation with Pacific Expert of above.

4. Any other information that you might consider relevant to the Panel's work as mandated by the Security Council in connection with the above or other similar trade and / or facilitation in potential violation of the applying resolutions.
   No, however, if you have any further question, we would like to cooperate to answer.

In final, we would like to stress that Gold Advance Corp. does not get involve in DPRK or participate anything related to DPRK. We provide this letter to you to support our statement with attachment.

Attachment

1. Change of director/shareholder of Gold Advance Corp
2. Termination of contract with An Ping shipowner
3. Gold Advance Corp DOC
4. Owner reference (Spring Gain)
5. Bill of Sale
6. An Ping Deletion Certificate

Gold Advance Corp.

Page 4

Attachment No.1 change of director/shareholder of Gold Advance Corp

Gold Advance Corp. 金進股份有限公司

Director's Resolutions Entered on the 7th **day of** May **2020**

Consent is given by the undersigned to the adoption of the following resolutions

Appointment of Director:	IT WAS RESOLVED That **Ms. Lin,**[redacted] be appointed as Director of the Company with effect immediately following the signing of these resolutions and it had noted that **Mr. Chang**[redacted] proposed to resign immediately following the appointment of the new Director.
Resignation of Director:	RESOLVED That the resignation of **Mr. Chang,** [redacted] as Director of the Company be accepted with effect immediately following passing of the resolutions.
Appointment of Secretary:	RESOLVED That **Ms. Lin,**[redacted] be appointed as Secretary of the Company with effect immediately following the signing of these resolutions and it had noted that **Mr. Chang,** [redacted] resigned immediately following the appointment of the new Secretary.
Resignation of Secretary:	RESOLVED That the resignation of **Mr. Chang,**[redacted] as Secretary of the Company be accepted with effect immediately following passing of the resolutions.
Transfer of Shares :	NOTED That the Company had received advice of the following proposed transfer of shares in the capital of the Company:-

Transferor	Transferee	No. of Shares
Mr. Chang,[redacted]	**Ms. Lin**[redacted]	**1,000,000**

RESOLVED
That the aforesaid share transfer be approved and that upon receipt by the Director of the duly executed instruments of transfer, details of the new member be entered in the Register of Members and that Share Certificate No. 1 be cancelled.

Issue of Share Certificate(s):

RESOLVED
That Share Certificate be issued signed by a Director of the Company and under the common seal as follows:

Cert. No.	Shareholder	No. of Shares
3	**Ms. Lin**[redacted]	**[redacted],000,000 Ordinary Shares**

FURTHER RESOLVED
That the Director be authorised to witness the affixing of the common seal to the new Share Certificate.

[redacted]

Mr. Chang,[redacted]
Director

Attachment No.2 Termination of contract with An Ping shipowner

船舶管理合同終止協議

甲方(船舶管理顧問公司)	Gold Advance Corp
乙方(船東/船東代理)	Spring Gain International Limited

甲乙雙方於 2020 年 5 月 8 日同意終止安平輪(M.T. An Ping)船舶管理諮詢服務，雙方協議如下，共同遵守，如有違反，由乙方負完全責任並賠償甲方損失:

1. 雙方同意協議日終止船舶管理顧問服務。
2. 乙方不得再使用本公司所提供之服務，包含船舶管理文件手冊，印有本公司名稱之船舶管理張貼文件等，包含公司符合聲明(DOC)。
3. 基於友好與互信原則，乙方應於安平輪抵下一港時，應歸還上述文件，並更換管理公司。
4. 乙方應盡速完成更換管理公司，並於更換完成前，不得從事違反沿岸國、港口國以及聯合國制裁之活動行為，並由乙方自負法律責任。

[redacted]
甲方(船舶管理顧問公司)
Gold Advance Corp

[redacted]
乙方(船東/船東代理)
Spring Gain International Limited

Attachment number 5: Bill of sale

Prescribed by the Commissioners of Customs & Excise with the Secretary of State for Trade

Form No. 11A

BILL OF SALE (Body Corporate)

Official number	Name of ship	IMO Number, year and port of registry			Whether a sailing, steam or motor ship	Horse power of engines (if any)
SL100845	AN PING	7903366, 1979, FREETOWN			Motor Ship	1,400 KW
			Meter	Centimeter	Number of Tons (Where dual tonnages are assigned the higher of these should be stated)	
Length			93	00	Gross	Register Net
Breadth			15	50	3167	1566
Depth			7	70		

And as described in more detail in the Register Book.

We, (a) SPRING GAIN INTERNATIONAL LIMITED (hereinafter called "the Transferors") having our principal place of business at P.O. BOX 957, OFFSHORE INCORPORATIONS CENTRE, ROAD TOWN, TORTOLA, BRITISH VIRGIN ISLANDS in consideration of the sum of RMB 2,000,000 (Renminbi Two Million Only) paid to us by (b) MS. GONG [redacted] having its principal place of business at [redacted] SHISHI CITY, FUJIAN PROVINCE, CHINA (hereinafter called "the Transferee(s)") the receipt whereof is hereby acknowledged, transfer our whole Shares in the Ship above particularly described, and in boats and appurtenances, to the said Transferee(s).

Further, we, the said Transferors for ourselves and our successors covenant with the said Transferee(s) and (c) its assigns, that we have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from (d) all charters, encumbrances, mortgages, taxes and maritime liens and any other debts or claims whatsoever.

In witness whereof we have executed this Bill of Sale on 20 May 2020

Signed, Sealed and Delivered by Mr. GONG [redacted] as Director on behalf of SPRING GAIN INTERNATIONAL LIMITED.

[redacted]

Name: GONG, [redacted]

Title : Director

(a) Name of Bill of Body Corporate. (b) Full name(s) and address(es) of transferee(s) with their description in the case of individuals, and adding "as joint owners" where such is the case.
(c) "his", "their" or "its". (d) If any subsisting encumbrance add "save as appears by the registry of the said ship". (e) Signatures and description of witnesses, i.e. Director, Secretary, etc (as the cases may be).
NOTE – A purchaser of a registered British vessel does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the ship, and neglect to this precaution may entail serious consequences.
NOTE – Registered Owners or Mortgagees are reminded of the importance of keeping the Registrar of British Ships informed of any change of residence on their part.

F328 (August 1995)

Source: The Panel

Annex 25 (b): Letter from Sierra Leone Maritime Administration on the *Heng Rong* (IMO: 7913098) on its reported use of fraudulent certificates



To: Messrs. Tokyo Memorandum of Understanding – Tokyo MoU
Messrs. Paris Memorandum of Understanding – Paris MoU
Messrs. Mediterranean Memorandum of Understanding – Med MoU
Messrs. Indian Ocean Memorandum of Understanding – Indian Ocean MoU
Messrs. Riyadh Memorandum of Understanding – Riyadh MoU
Messrs. Black Sea Memorandum of Understanding – Black Sea MoU
Messrs. Caribbean Memorandum of Understanding – Caribbean MoU
Messrs. Abuja Memorandum of Understanding – Abuja MoU

CC: SIERRA LEONE MARITIME ADMINISTRATION

Date: 29th of January 2021
Transmittal No.: SL-0219-21

Official Letter

Dear Sirs,

Ref: M/V HENG RONG (IMO: 7913098)

We would like to hereby communicate and inform that the above - mentioned vessel is not registered under this Administration due to suspicions on violation of sanctions. We have been informed that the above-mentioned vessel is using fraudulently Certificates supposedly issued by Sierra Leone Maritime Administration in order to call Ports and move freely.

We would appreciate any assistance in combating such illegal activities.

We direct all parties to verify any Certificate issued by Sierra Leone Flag through our website: www.slmarad.com and download/ view the verification copy of the Certificate. In case the Certificate cannot be verified, please contact SLMARAD through: info@slmarad.com

Yours Faithfully,
The Undersigned.

Place and Date of issuance (DD/MM/YYYY)
Freetown, Sierra Leone, 29/01/2021

[redacted]



Registrar

RE-CER-26
22/01/2021

Sierra Leone Maritime Administration – SLMARAD
info@slmarad.com www.slmarad.com

Issue 01
Page 1 of 1

Source: The Panel

Annex 25 (c): Note verbale and unofficial translation from the Permanent Mission of Mongolia to the United Nations in New York



MONGOLIA

PERMANENT MISSION TO THE UNITED NATIONS

6 East 77th Street, New York, N.Y. 10075
Tel: (212) 861-9460, Fax: (212) 861-9464

NUB/006/2021

The Permanent Mission of Mongolia to the United Nations presents its compliments to the Panel of Experts established pursuant to Security Council Resolution 1874 (2009) and has the honour to transmit information requested by the respective Panel via Note Verbale S/AC.49/2020/PE/OC.420.

Taking this opportunity, the Permanent Mission of Mongolia to the United Nations would like to inform that the Note Verbale NUB/32/2020 regarding the vessel Subblic (IMO:8126082) and registration documents have been transmitted to the respective Panel on 27 May 2020.

The information and documentation on the Rich United aka Xin Hai (IMO:9129213) are attached herewith.

The Permanent Mission of Mongolia avails itself of this opportunity to renew to the Panel of Experts established pursuant to Security Council Resolution 1874 (2009) the assurances of its highest consideration.



United Nations Security Council
Panel of Experts established pursuant to the resolution 1874 (2009)
New York

Non official translation

Additional information

The vessel "TAI AN" (IMO 8676324) has been registered to the Mongolian ship registry from 17 March 2015 to 17 September 2015. The vessel "TAI AN" de-registered from the registry as the vessel agent did not communicate to extend the registry. During its activities under the Mongolian ship registry, the vessel "TAI AN" was using radio-communication (MMSI 457 206 000) provided by the Mongolian Maritime Administration. Upon the registry's expiration, the same radio-communication equipment/number is being used by the newly registered vessel. Accordingly, the radio-communication number formerly used by "TAI AN" has been transferred to the vessel "XIN HAI" registered in 2020, thus may be caused a similar situation for both vessels.

The vessel "XIN HAI" (IMO 9129213) have registered to the Mongolian ship registry on 5 August 2020 and started using radio-communication number MMSI 457 206 000. Before registering the vessel, the Maritime Administration has run through all the necessary procedures and found no facts or information on violation of the UNSC relevant resolutions and sanctions. As the former owner (Rich United Trading Limited) of the vessel "XIN HAI" has been changed and upon the request of the new owner the vessel "XIN HAI" de-registered from the Mongolian ship registry on 15 December 2020.

Also, the vessel "XIN HAI" under the name "SWIFT" owned by "Frontlines Trading Co.Ltd" has been registered to the Mongolian ship registry on 3 August 2017. Upon the request for the change of its affiliation the vessel has been de-registered on 24 May 2019. During that time the vessel "SWIFT" was using radio-communication number MMSI 457 451 000.

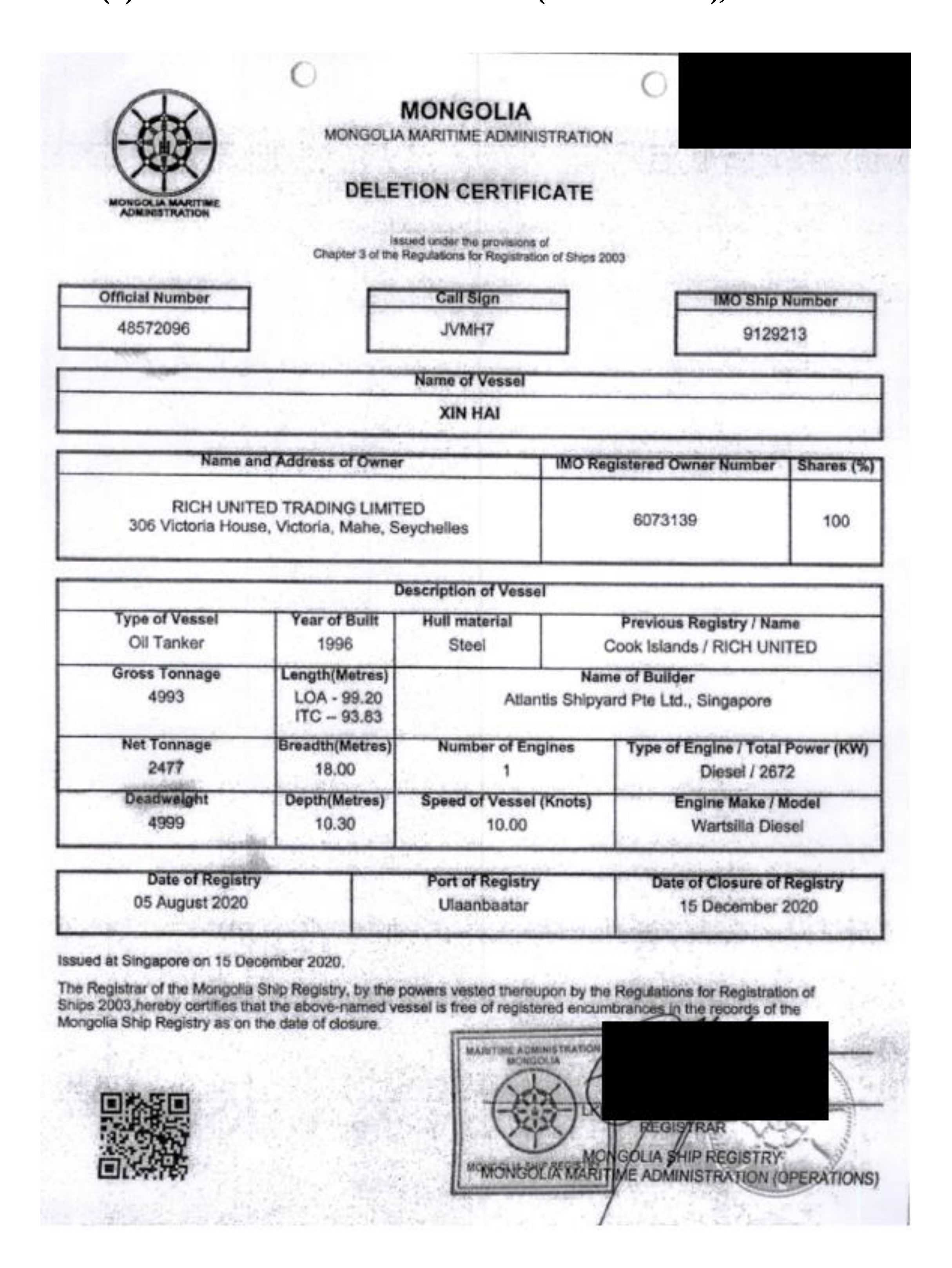
Mongolian Maritime Administration has registered vessel "XIN HAI" on 2020 as there were no records on vessel "XIN HAI" violating the UNSC relevant resolutions and sunctions during its registration period of the 2017 under Mongolia ship registry.

The vessel "XIN HAI" was not in the Mongolian ship registry during the time indicated by the Panel of Experts report.

Source: Member State

The Panel notes the following:
* Due to transmission issues, the Note of 27 May 2020 referenced on the *Subblic* was not received.
** Documentation referenced in the Note Verbale on the Xin Hai are retained by the Panel.

Annex 25 (d): Deletion certificate of the *Xin Hai* (IMO: 9129213), 15 December 2020



MONGOLIA MARITIME ADMINISTRATION

MONGOLIA

MONGOLIA MARITIME ADMINISTRATION

[redacted]

DELETION CERTIFICATE

Issued under the provisions of
Chapter 3 of the Regulations for Registration of Ships 2003

Official Number	Call Sign	IMO Ship Number
48572096	JVMH7	9129213

Name of Vessel
XIN HAI

Name and Address of Owner	IMO Registered Owner Number	Shares (%)
RICH UNITED TRADING LIMITED 306 Victoria House, Victoria, Mahe, Seychelles	6073139	100

Description of Vessel			
Type of Vessel	Year of Built	Hull material	Previous Registry / Name
Oil Tanker	1996	Steel	Cook Islands / RICH UNITED
Gross Tonnage	Length(Metres)	Name of Builder	
4993	LOA - 99.20 ITC – 93.83	Atlantis Shipyard Pte Ltd., Singapore	
Net Tonnage	Breadth(Metres)	Number of Engines	Type of Engine / Total Power (KW)
2477	18.00	1	Diesel / 2672
Deadweight	Depth(Metres)	Speed of Vessel (Knots)	Engine Make / Model
4999	10.30	10.00	Wartsilla Diesel

Date of Registry	Port of Registry	Date of Closure of Registry
05 August 2020	Ulaanbaatar	15 December 2020

Issued at Singapore on 15 December 2020.

The Registrar of the Mongolia Ship Registry, by the powers vested thereupon by the Regulations for Registration of Ships 2003,hereby certifies that the above-named vessel is free of registered encumbrances in the records of the Mongolia Ship Registry as on the date of closure.

MARITIME ADMINISTRATION MONGOLIA

[redacted]

REGISTRAR

MONGOLIA SHIP REGISTRY

MONGOLIA MARITIME ADMINISTRATION (OPERATIONS)

Source: Member State

Annex 26: Letter from the Sierra Leone Maritime Administration on the de-registered status of vessels previously registered under Sierra Leone's ship registry and of their reported fraudulent use of documentation



REPUBLIC OF SIERRA LEONE



To: Messrs. Tokyo Memorandum of Understanding – Tokyo MoU
Messrs. Paris Memorandum of Understanding – Paris MoU
Messrs. Mediterranean Memorandum of Understanding – Med MoU
Messrs. Indian Ocean Memorandum of Understanding – Indian Ocean MoU
Messrs. Riyadh Memorandum of Understanding – Riyadh MoU
Messrs. Black Sea Memorandum of Understanding – Black Sea MoU
Messrs. Caribbean Memorandum of Understanding – Caribbean MoU
Messrs. Abuja Memorandum of Understanding – Abuja MoU

CC: SIERRA LEONE MARITIME ADMINISTRATION

Date: 26th of January 2021
Transmittal No.: SL-0154-21

Official Letter

Dear Sirs,

Ref: M/V AN PING (IMO: 7903366) / M/V BONVOY 3 (IMO: 8714085) / M/V DIAMOND 8 (IMO: 9132612) / M/V HOKONG (IMO: 9006758) / M/V NEW KONK (IMO: 9036387) / M/V UNICA (IMO: 8514306)

We would like to hereby communicate and inform that the above - mentioned vessels are not registered under this Administration due to suspicions on violation of sanctions. We have been informed that the above-mentioned vessels are using fraudulently Certificates supposedly issued by Sierra Leone Maritime Administration in order to call Ports and move freely.

We would appreciate any assistance in combating such illegal activities.

We direct all parties to verify any Certificate issued by Sierra Leone Flag through our website: www.slmarad.com and download/ view the verification copy of the Certificate. In case the Certificate cannot be verified, please contact SLMARAD through: info@slmarad.com

Yours Faithfully,
The Undersigned.

Place and Date of issuance (DD/MM/YYYY)
Freetown, Sierra Leone, 26/01/2021



[redacted] – Registrar

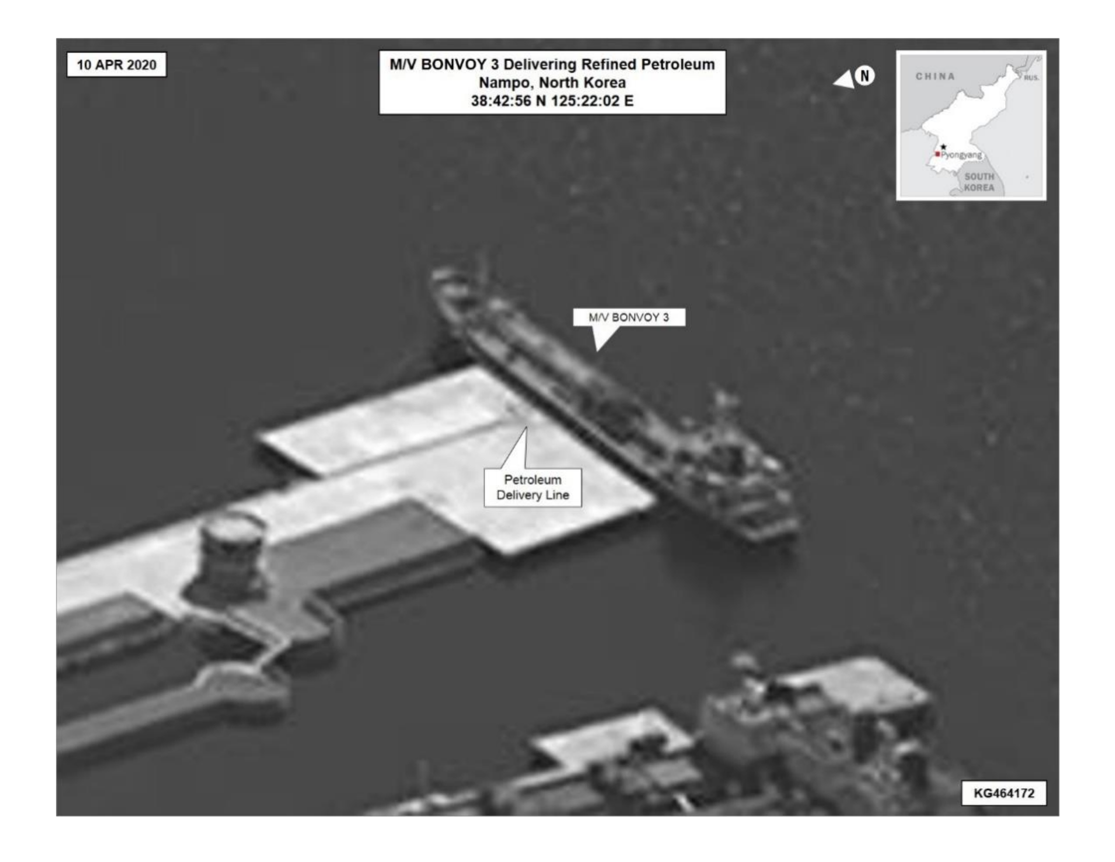
RE-CER-26 22/01/2021 | Sierra Leone Maritime Administration – SLMARAD info@slmarad.com www.slmarad.com | Issue 01 Page 1 of 1

Source: The Panel

Annex 27: Satellite imagery samples of unknown flagged non-DPRK vessels delivering refined petroleum at DPRK ports

Bonvoy 3 (IMO: 8714085)

The unknown flagged *Bonvoy 3* was captured on satellite imagery at a petroleum delivery pier in Nampo, DPRK, on 10 April 2020. The vessel was also reported by a Member State to have delivered refined petroleum on two other occasions during the period from January to September 2020. The Sierra Leone Maritime Authority confirmed that the vessel was cancelled from its registry on 12 November 2019 (see also Annex 6). The *Bonvoy 3* has the capacity to offload up to 22,557 barrels of refined petroleum products per delivery. The vessel was registered in November 2020 sailing under a new flag, a new name *Fu Shun 3* and under new ownership and management with an address in Hong Kong, China. The flag state, Mongolia, under which the *Fun Shun 3* was sailing, cancelled the vessel's registration and all related certification issued to the vessel on 24 December 2020, with the stated reason as due to illegal activities involving the DPRK (see figure 1).



Source: Member State

Figure 1: Cancellation form issue by the Mongolian Maritime Administration for the *Fu Shun 3* (formerly known as *Bonvoy 3*), IMO: 8714085



MONGOLIA

SHIP REGISTRY
MONGOLIA MARITIME ADMINISTRATION

Mongolia Maritime Administration
#606 Government Building-11
J.Sambuu's Street-11
Chingeltei District, 4th Khoroo
Ulaanbaatar 15141
Tel: 976-11310642
Fax: 976-11310642
Email: info@monmarad.gov.mn
Website: www.monmarad.gov.mn

Cancellation Form

By this means we inform that all certificates from MONGOLIA SHIP REGISTRY related to

Name of Ship	IMO No.	Official Number
FU SHUN 3	8714085	49112088

Have been cancelled by Administration ; due: illegal activities involving DPRK.

☒Other reasons:

INVALIDATED CERTIFICATES:

CERTIFICATE	NUMBER
PROVISIONAL CERTIFICATE OF REGISTRY	49112088
PROVISIONAL MINIMUM SAFE MANNING CERTIFICATE	49112088
PROVISIONAL SHIP RADIO STATION LICENCE	49112088
CARVING AND MARKING NOTE	49112088
CONTINUOUS SYNOPSIS RECORD	CSR - 8/49112088
DECLARATION OF MARITIME LABOUR COMPLIANCE PART I	MLC - 49112088

REGISTRAR

MARITIME ADMINISTRATION MONGOLIA

Name: [redacted] **Signature:** [redacted] **Date: 2020.12.24**

Distribution: ☒Owner/Manager ☒Agent ☐Other: ____

MONGOLIA SHIP REGISTRY

MONGOLIA SHIP REGISTRY

Approved by: .... Revised by: ...... Date of Revision: Page 1 of 1

Source: Member State

<u>*Hokong* (IMO: 9006758)</u>

The unknown flagged *Hokong* was captured on satellite imagery at a petroleum delivery pier in Songnim, DPRK, on 5 June 2020. The formerly Sierra Leone-flagged vessel was recorded as unknown-flagged from October 2019[26]. The vessel was also reported by a Member State to have delivered refined petroleum on eight other occasions during the period from January to September 2020. The *Hokong* has the capacity to offload up to 27,000 barrels of refined petroleum products per delivery.
See also Annex 26.



Source: Member State

[26] IHS Markit.

New Konk (IMO: 9036387)

The unknown flagged *New Konk* was captured on satellite imagery at a petroleum delivery pier in Songnim, DPRK, on 2 July 2020. The formerly Sierra Leone-flagged vessel was recorded as unknown-flagged from October 2019[27]. The vessel was also reported by a Member State to have delivered refined petroleum on seven other occasions during the period from January to September 2020. The *New Konk* has the capacity to offload up to 54,400 barrels of refined petroleum products per delivery.
See also Annex 26.



Source: Member State

Source: The Panel

[27] IHS Markit.

Annex 28: Vessels of interest recommended by the Panel for designation within China's Coastal Waters, March to September 2020

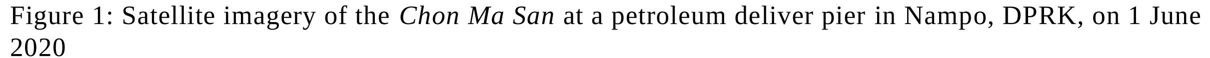
No.	Date	Vessel of Interest	General Location (from AIS)
1	15-Mar-20	UNICA	24-33N 119-01E
2	25-Mar-20	HOKONG	24-55N 119-17E
3	26-Mar-20	NEW KONK	24-48N 120-00E
4	26-Mar-20	SUBBLIC	24-45N 118-54E
5	26-Mar-20	HOKONG	24-58N 119-24E
6	26-Mar-20	NEW KONK	24-15N 119-02E
7	01-Apr-20	NEW KONK	24-40N 119-51E
8	30-Apr-20	DIAMOND 8	24-58N 119-25E
9	03-Apr-20	NEW KONK	22-19N 114-06E
10	07-Apr-20	UNICA	24-46N 118-45E
11	20-May-20	UNICA	24-46N 118-45E
12	27-May-20	UNICA	24-46N 118-45E
13	04-Jun-20	UNICA	24-46N 118-45E
14	17-Jun-20	UNICA	24-46N 118-45E
15	17-Jul-20	UNICA	24-46N 118-45E
16	03-Aug-20	UNICA	24-46N 118-45E
17	11-Aug-20	UNICA	24-46N 118-45E
18	26-Aug-20	UNICA	24-46N 118-45E
19	27-Aug-20	UNICA	24-46N 118-45E
20	28-Aug-20	UNICA	24-46N 118-45E
21	29-Aug-20	UNICA	24-46N 118-45E
22	30-Aug-20	UNICA	24-46N 118-45E
23	04-Sep-20	DIAMOND 8	37-35N 122-30E
24	04-Sep-20	DIAMOND 8	36-44N 122-33E
25	06-Sep-20	DIAMOND 8	36-54N 122-39E
26	08-Sep-20	DIAMOND 8	37-36N 122-40E
27	08-Sep-20	DIAMOND 8	37-39N 122-41E
28	08-Sep-20	DIAMOND 8	37-01N 122-42E
29	09-Sep-20	DIAMOND 8	37-05N 122-45E
30	13-Sep-20	DIAMOND 8	37-26N 122-46E
31	14-Sep-20	DIAMOND 8	37-28N 122-50E
32	15-Sep-20	DIAMOND 8	37-17N 122-51E

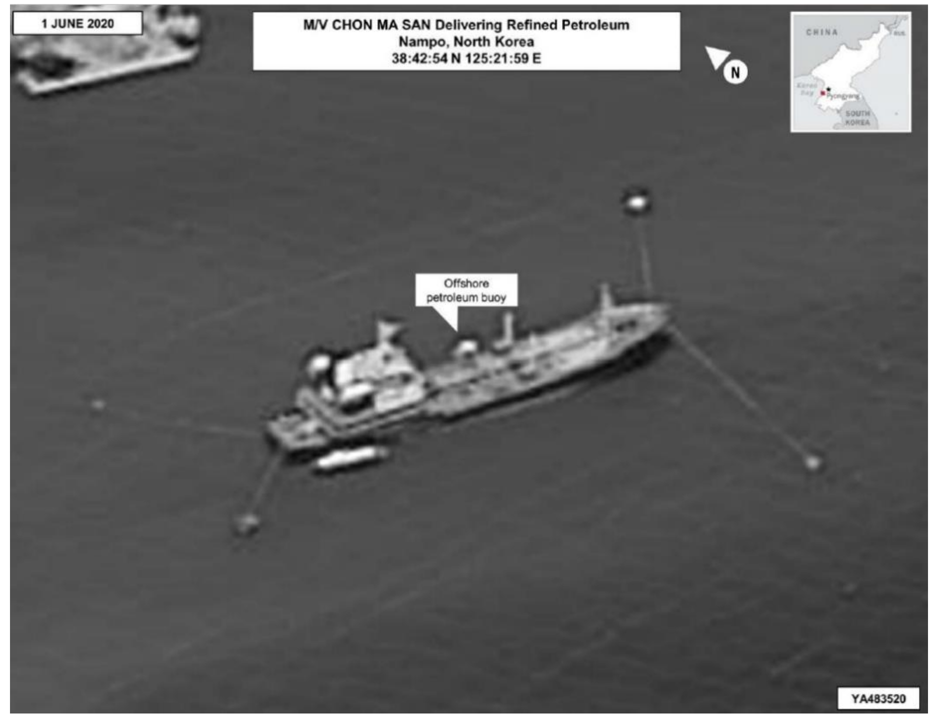
Source: Member State

Annex 29: Examples of DPRK vessels delivering refined petroleum at DPRK ports

Former foreign-flagged tankers that have transitioned to DPRK tankers[28] and designated DPRK tankers continue to deliver refined petroleum at various DPRK ports. These included the *Kwang Chon 2* (former *Sen Lin 01*) (IMO: 8910378) and *Sin P(h)yong 2* (former *Tianyou*) (IMO: 8817007) also continued to deliver refined petroleum to various DPRK ports.

Designated DPRK tankers continue to obtain and deliver refined petroleum to the DPRK. These included the *Chon Ma San* (IMO : 8660313), designated in March 2018 for ship-to-ship transfers in mid-Nov 2017 (see sample satellite imagery at figure 1), and the *Pu Ryong* (IMO: 8705539) formerly the *Kum Un San 3* (see sample satellite imagery at figure 2), designated in October 2018 for conducting a ship-to-ship transfer with the *New Regent* on 7 June 2018.


Figure 1: Satellite imagery of the *Chon Ma San* at a petroleum deliver pier in Nampo, DPRK, on 1 June 2020



Source: Member State

The *Chon Ma San* was also reported by a Member State to have delivered refined petroleum on three other occasions during the period from January to September 2020. The vessel has the capacity to offload up to 24,000 barrels of refined petroleum products per delivery.

[28] Paragraph 26 of S/2020/840

Figure 2: Satellite imagery of the *Pu Ryong* (former *Kum Un San 3)* at a petroleum deliver pier in Songnim, DPRK, on 3 June 2020



Source: Member State

The *Pu Ryong* was also reported by a Member State to have delivered refined petroleum on four other occasions during the period from January to September 2020. The *Pu Ryong* has the capacity to offload up to 22,100 barrels of refined petroleum products per delivery.

Source: The Panel

Annex 30: Non-Paper updates from Viet Nam on the *Viet Tin 01* (IMO: 8508838)

1. Relevant Vietnamese authorities have been thoroughly conducting investigation into the case related to vessel Viet Tin 01. However, the investigation has been faced with a number of challenges, including lack of access to the vessel due partly to the Covid-19 pandemic, and therefore has not yet found sufficient, conclusive evidence regarding the alleged violation by vessel Viet Tin 01 of related Security Council resolutions.

2. Up to now, all the vessel crew were returned to Viet Nam. The Department of Maritime Affairs, Ministry of Transport of Vietnam, requested company Thuan Thien and company Viet Tin to fulfill their obligations towards the vessel crew. Company Viet Tin is currently steeped in financial difficulties and is unable to repair the vessel to return to Viet Nam or to liquidate it to cover all related payments to the port authority of Malaysia. The vessel now lies in atrophy in the area for unusable ships of the Malaysian port and has been unable to operate normally for a long time.

3. Relevant Vietnamese agencies remain committed to resolving this case in a lawful and appropriate manner. In short term, the agencies, including Ministries of Public Security, Transportation and Foreign Affairs, will continue to have inter-agency meetings to discuss ways forward to address the case. We request that the Panel of Experts reflect in its upcoming final report the information provided by Viet Nam on the implementation of related Security Council resolutions regarding vessel Viet Tin 01.

Source: The Panel

Annex 31 (a): T-Energy's involvement in associated vessels engaged in ship-to-ship transfers with DPRK tankers

The Panel wrote to relevant parties concerning the vessels' flag status, ownership, voyage routes, cargo details, involved counterparties, port and customs information, transaction details and payment records. The following vessels conducted ship-to-ship transfers with DPRK-flagged tankers or with tankers that have a DPRK connection, in all cases with the alleged involvement of T-Energy, based on lead information from a Member State:

(i) Unknown-flagged *Sea Prima* (aka *Courageous*) (IMO: 8617524) with *Saebyol* (IMO: 8916293) and with *Paek Ma* (IMO: 9066978) on or around 25 September 2019; and with *Sam Jong 1* (IMO: 8405311) and *Kum Jin Gang 2* (no recorded IMO number) on or around 24 August 2019.
(ii) Malaysia-flagged *Semua Gembira* (aka *JM Sutera 7*) (IMO: 9494917) with *Saebyol* on or around 2 February 2019; and with *Song Won* (IMO: 8613360) and with *Kum Un San* (IMO: 8720436) on or around 29 January 2019.
(iii) Panama-flagged *Ri Xin* (IMO: 9121302) with *Sam Jong 2* (IMO: 7408873) on or around 31 March 2018.
(iv) Then Panama-flagged *Chan Fong* (IMO: 7350260) with *Chon Ma San* (IMO: 8660313), on or around 17 March 2018.
(v) Then Panama-flagged *Koya* (aka *Hatch*) (IMO: 9396878) with *Chon Ma San* and with *Kum Un San 3* (IMO: 8705539) around 19 November 2017.

The following include the Panel's investigations conducted to date and replies obtained on these ship-to-ship transfers:

(i) <u>*Sea Prima* (aka *Courageous*) (IMO: 8617524)</u>

The unknown-flagged *Sea Prima* conducted ship-to-ship transfers with the designated DPRK tankers *Saebyol* (IMO: 8916293) and *Paek Ma* (IMO: 9066978) on or around 25 September 2019, according to a Member State. The Member State also reported that the *Sea Prima* conducted ship-to-ship transfers a month earlier on or around 24 August 2019 with the designated DPRK tanker *Sam Jong 1* (IMO: 8405311) and with the DPRK tanker *Kum Jin Gang 2* (no recorded IMO number).

The *Sea Prima* has been documented in previous Panel reports as having engaged with DPRK tankers on different occasions and the Panel recommended the vessel for designation. Since March 2020, Cambodian authorities have detained the *Sea Prima* sailing as the *Courageous*[29].

During the months of August and September 2019, the *Sea Prima* was sailing without a registered flag[30] when it conducted the reported ship-to-ship transfers with DPRK tankers. Panel investigations indicated that Cour-age Maritime SA-BZE (hereafter "Courage Maritime"), the vessel's Operator and its Document of Compli-ance company holder, was registered in Belize in August 2019. Courage Maritime subsequently served as the vessel's operator upon receiving flag status from Cameroon. Courage Maritime listed an address that is alleg-edly co-located with T-Energy in Taoyuan District, Taiwan Province of China. According to the individual that registered Courage Maritime, the owners of the *Courageous*, New Eastern Shipping Co., Ltd (hereafter "New Eastern") with an address in Xiamen, China, had requested the company be registered with the Taoyuan District address as its operational address. The individual stated, "I wish to place on record that my role with regards to New Eastern Shipping [NES] / Courageous / Sea Prima [SP] are that of a Sale & Purchase (S & P) of vessel as a ship broker, and a Marine Consultant". After the completion of the S & P Transaction, I was asked by owner of New Eastern Shipping to be their Marine Technical Consultant ..". New Eastern requested the individual to use his name on "a temporary basis" to register the company in order to expedite registration,

[29] Paragraph 34 to 38, S/2020/640.

[30] The *Sea Prima* was previously flagged under Saint Kitts and Nevis and from November 2019 to till its detention by Cambodian authorities in March 2020 was Cameroon-flagged.

with the intention by New Eastern to transfer the company registration under a Mr Fang Xian-Sen. New Eastern provided identification of Mr Fang to the individual. According to the individual, the transfer to Mr Fang was unsuccessful "… because NES [New Eastern] failed to provide me with the correct residential address of Mr Fang Xian Sen. It was pending till now". Belize has yet to respond to the Panel. Investigations continue.

Semua Gembira (aka JM Sutera 7) (IMO: 9494917)

The Malaysia-flagged *Semua Gembira* conducted ship-to-ship transfers on a number of occasions with DPRK tankers, according to a Member State. These included transfers with the designated *Saebyol* on or around 2 February 2019, with the *Song Won* (IMO: 8613360) and with the *Kum Un San* (IMO: 8720436) on or around 29 January 2019.

The International Maritime Organization's (IMO) website lists the *Semua Gembira* as flagged under Malaysia's registry since February 2009. Panel investigations show the vessel with several days of unaccounted gaps in AIS transmission around the respective referenced January and February dates, during which illicit ship-to-ship transfers could have taken place (see figure 1). The *Song Won* and *Kum Un San* had not been transmitting AIS signals for over a week, while the *Saebyol* recorded an extended AIS transmission gap, over the respective dates in question.

Figure 1: *Semua Gembira's* recorded AIS transmission gaps between 28 and 31 January 2019

Source: Windward, annotated by the Panel

The Panel wrote to Malaysia as flag registry and the vessel's listed registered owner, TKH Marine (L) Ltd[31] (hereafter "TKH Labuan"). Malaysia responded it was undertaking the necessary consultations with relevant agencies and would provide its feedback to the Panel in due course. While serving as the sole registered owner during the period of interest of January and Feb 2019 (hereafter "the material time"), TKH Labuan's shares

[31] IHS Markit. IHS Markit is the originating source for the International Maritime Organization (IMO) Ship Identification Number Scheme and is the sole authority with responsibility for assigning and validating these numbers. It is also the originating source for the IMO Unique Company and Registered Owner Identification Number Scheme, which it manages on behalf of IMO.

have since been beneficially acquired in full by another company as of July 2020, which in turn is an indirect subsidiary of the present group owner of the vessel (hereafter "Group Company"). TKH Labuan, as part of the Group Company, cooperated with the Panel's requests and is assisting the Panel with its investigations.

Based on current information available to the Panel, the Malaysia-flagged *Semua Gembira* was sold in 2017, as a result of the liquidation process, to a company incorporated in Samoa with a business address in Taiwan Province of China (hereafter "Company SG-TW). Company SG-TW appointed a Malaysian-registered company, Apacmarine Sdn Bhd (hereafter "Apacmarine") as the ship manager. Due to insufficient funds to purchase the vessel, Company SG-TW assigned TKH Labuan the rights of the *Semua Gembira* on 28 February 2018, with TKH Labuan paying the balance of the purchase price. TKH Labuan was wholly owned by Person 1, who also co-owns and holds a senior position at Apacmarine[32]. TKH Labuan / Person 1 also entered into an agreement the same date on 28 February 2018 with a Malaysian incorporated company, Jasa Merin (Labuan) Plc (hereafter "Jasa Marin"), the latter taking on a majority stake in TKH Labuan to provide the additional funds to complete the vessel's purchase, which was finalized in March 2018[33]. According to the Group Company, Jasa Marin, an entirely separate legal entity from TKH Labuan, has a role "limited to that acquired as a shareholder in or around 2018 following its subscription of shares in TKH Labuan", and has limited knowledge of the vessel's activities. TKH Labuan retains a contractual relationship with Apacmarine as the vessel's appointed ship manager pursuant to another agreement dated April 2019.

During the material time, TKH Labuan had bareboat chartered the vessel to Company SG-TW[34], the original purchaser of the *Semua Gembira* back in 2017, with the latter possessing full control of the vessel for the duration of the charter period. Company SG-TW's corporate details show it was incorporated on 20 January 2015 in Samoa with a sole shareholder. Under this charter, Apacmarine served as the ship manager for the vessel, pursuant to an agreement between Company SG-TW and Apacmarine. "Therefore, TKH Labuan had no knowledge of the Vessel's location during the Material Time."

On 20 December 2018, the bareboat charterer SG-TW entered into a time charter agreement with a United Arab Emirates company in Dubai (hereafter "Company TC-D), via T Energy, on 20 December 2018 (see Annex 31 (b)). The memorandum by SG-TW was attention to Company TC-D's office in Singapore.

Email communication on discharge orders made available to the Panel covering the material time show the Time Charter Company TC-D issuing discharge orders to Apacmarine, the ship manager. The discharge orders showed the estimated time of arrival of the receiving vessels that were identified via digits rather than vessel identifiers - the digits do not conform with IMO numbers or MMSIs. Receiving vessels were not identified by name during January to mid-February 2019, the material time . No discharge email entries were entered on and around 29 January and 2 February 2019, with the next closest discharge orders entered on 31 January and 1 February 2019, local time (see Annex 31 (c)).

A Bill of Lading showed a shipment of around 6,500 metric tonnes of "GASOIL 50 PPM S" loaded at Yangpu port, China, on 7 January 2019, with Vanphong Bay, Viet Nam, as its port of discharge (see Annex 31 (d)). The operational instructions were communicated by the Dubai company to Apacmarine. According to Apacmarine, the time charter was terminated on 7 March 2019 "after all the cargo were discharged off at Kaohsiung". According to Apacmarine, it was "not unusual for vessels to divert from the port of discharge named in the bill of lading based on instructions from the charterer, and that the decision to discharge the cargo at various locations during the voyage, and finally at Kaohsiung, was made by the charterer ….".

The vessel's voyage, daily reports and discharge orders under the material time was provided by the Group Company from information obtained from Apacmarine. According to Apacmarine, all ship-to-ship transfers conducted during the material time were carried out under verbal instructions by Company SG-TW's repre-

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[32] As on December 2020.

[33] Jasa Merin held 70% and Person 1 held 30% of the shares.

[34] TKH Labuan then entered into a bareboat charter agreement with Company SG-TW for a 5-year period beginning 1 April 2018, upon finalization of the vessel's purchase. The agreement was terminated in April 2019.

sentative onboard the vessel, a Chinese national, Mr Zhang. As such, " no further documentation of the discharges was made. According to APAC[marine], this is in line with their typical bunkering operations for other charterers."

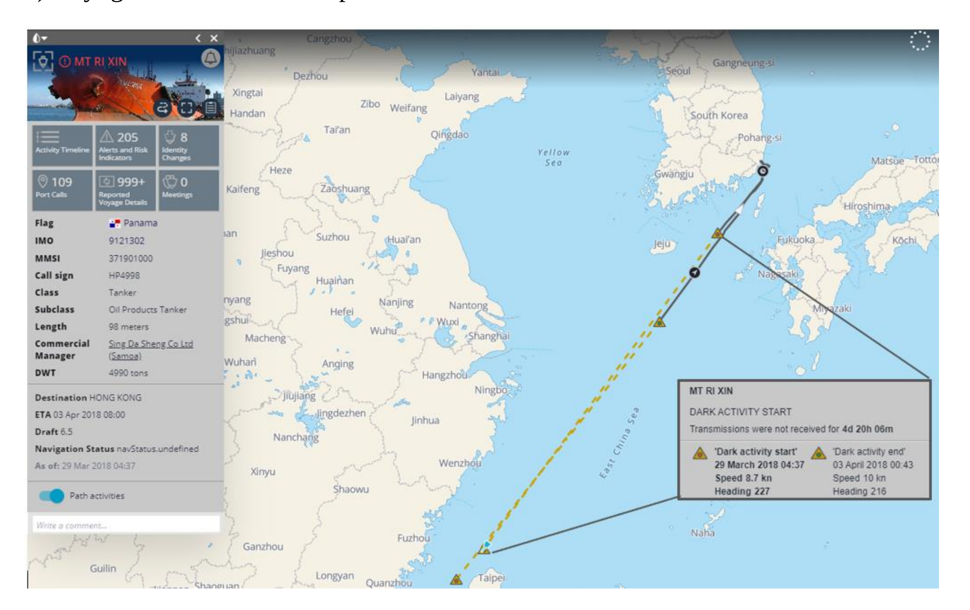
The Panel separately notes that Apacmarine also served as the previous registered owner, manager, operator and Document of Compliance company holder of the then Panama-flagged *Koya* (IMO: 9396878) when it was previously sailing as the *Semua Berjaya*[35]. The Panel is investigating a suspected case of ship-to-ship transfer between the *Koya* (IMO: 9396878) and a DPRK tanker that occurred in November 2017 (see iv below). Apacmarine has owned and / or managed at various points: the *Koya* (aka Hatch) the *Semua Gembira*, and the designated *Koti* (IMO: 9417115).

Other entities copied in some of the ship's discharge order communication included the Bareboat Charter Company SG-TW and T Energy. Investigations continue.

(ii) *Ri Xin* (IMO: 9121302)

The Panama-flagged *Ri Xin* conducted a ship-to-ship transfer with the designated DPRK tanker *Sam Jong 2* (IMO: 7408873) on or around 31 March 2018, according to a Member State. Panel investigations show the *Ri Xin* with an unaccounted five-day AIS transmission gap around the date of the suspected ship-to-ship transfer (see figure 2). The *Ri Xin* also recorded AIS transmission gaps outside of these dates. The vessel has been flagged under Panama's registry since August 2014. The Panel has yet to receive a response from Panama.

Figure 2: Excerpts from a specialized commercial maritime database platform showing a segment of the *Ri Xin's* (IMO: 9121302) voyage from March to April 2018



Source: Windward, annotated by the Panel

The *Ri Xin* made a port call at Ulsan port, Republic of Korea, on or around 27 March 2018, with a reported destination of Hong Kong before dropping its AIS transmission between 29 March and 3 April 2018, during which the *Ri Xin* met with the *Sam Jong 2*. According to Ulsan port records, a Bill of Lading dated 29 March 2018 showed 3,770 tons of Gasoil 10PPM was loaded onto the *Ri Xin* for the purpose of transshipment. The

[35] IHS Markit.

vessel's registered owner, Sing Da Sheng Co Ltd (hereafter "Sing Da Sheng Co"), was the notify party, with two Singapore-based companies listed as the consignor and consignee. T Energy was listed as the consignor on other Bills of Lading based on Ulsan port records in the same month and the following month of April 2018. Investigations continue.

Sing Da Sheng Co Ltd (hereafter "Sing Da Sheng Co") is listed as the *Ri Xin's* registered owner since August 2014, as well as the ship manager and operator a year later. The entity is registered in Samoa with an address in Kaohsiung, Taiwan Province of China. A media report[36] indicated that Sing Da Sheng Co may be the owner the *Chan Fong* (IMO: 7350260)[37], another vessel the Panel is investigating for conducting ship-to-ship trans-fer with a DPRK tanker in March 2018 (see item iv below). Open source information including the Panel's analysis of tracking data of the vessels as well as information relating to a report on the aban-donment of seafarers corroborates the media reporting of the abandonment of the *Chan Fong*. The Panel wrote to Sing Da Sheng Co. enquiring into the *Ri Xin* as well as requesting information on the *Chan Fong*, including whether the vessel was directly or indirectly under its ownership and management. The company has yet to respond to the Panel's enquiry. The Panel continues to await a response from Samoa.

(iii) <u>*Chan Fong* (IMO: 7350260)</u>

The then Panama-flagged *Chan Fong* conducted a ship-to ship transfer with the designated DPRK tanker *Chon Ma San* (IMO: 8660313) on or around 17 March 2018, according to a Member State. Panel investiga-tions show the *Chan Fong* with an unaccounted week of AIS transmission gap coinciding with the date of the suspected ship-to-ship transfer (see figure 3), with the *Chon Ma San* also having a long period no AIS trans-mission from September 2017 to October 2019. The *Chan Fong* was flagged under Panama's registry between June 2014 to October 2018. The vessel is recorded in casualty / repair status[38] (see also above paragraph on the *Ri Xin)*. The Panel has yet to receive a response from Panama.

Figure 3: Excerpt showing a segment of the *Chan Fong's* (IMO: 7350260) voyage, March 2018

Source: Windward, annotated by the Panel

[36] http://tw.appledaily.com/local/20201120/4Q7AKWN7YRE6VLUBSOGBSIARWY/

[37] Maritime databases and the International Maritime Organization list a different entity as the registered owner of the *Chan Fong*.

[38] International Maritime Organization (IMO), as on December 2020.

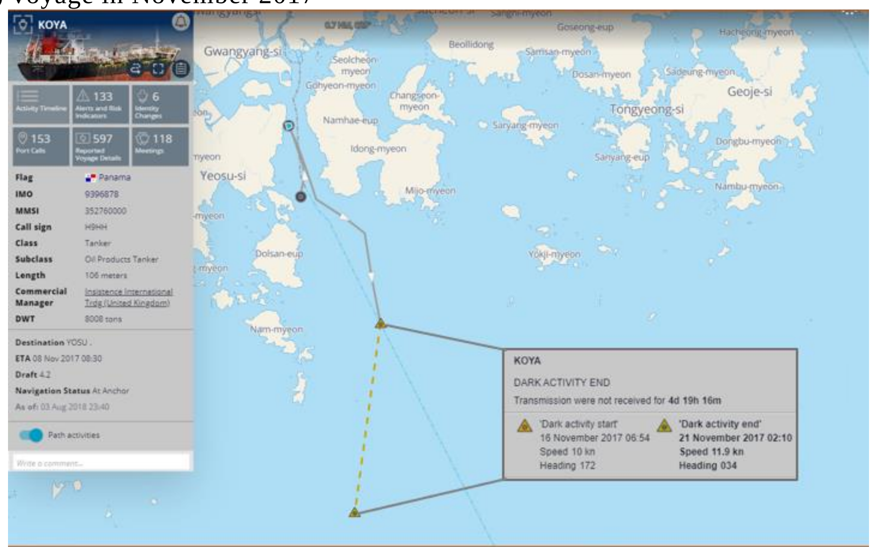
Celestial Sail Group Ltd (hereafter “Celestial Sail”) is listed as the *Chan Fong’s* registered owner since July 2017. The entity is registered in the Seychelles with a care of address of the vessel’s ship manager and operator based in Kaohsiung, Taiwan Province of China[39]. Seychelles responded to the Panel. The company has yet to respond to the Panel’s enquiry.

(iv) Koya (aka *Hatch*) (IMO: 9396878)

Then Panama-flagged *Koya* (aka *Hatch*) (IMO: 9396878) conducted ship-to-ship transfers with the designated DPRK tankers *Chon Ma San* (IMO: 8660313) and with the *Kum Un San 3* (IMO: 8705539) on or around 19 November 2017, according to a Member State. The *Koya* also recorded AIS transmission gaps outside of these dates and recorded as last AIS transmission (sailing as *Hatch*) in August 2018.

The *Koya* made a port call at Yeosu port, Republic of Korea, on and around 15 to 16 November 2017 (EST), with a reported destination of Taichung before dropping its AIS transmission and conducting its ship-to-ship transfers (see figure 4). According to Yeosu port records, a Bill of Lading dated 16 November 2017 showed 5,999.151 tons of Gasoil was loaded onto the *Koya* for the purpose of transshipment. A Republic of Korea-incorporated company was listed as the consignor with its consignee as the company’s Singapore office. The Panel has yet to receive a response from Panama.

Figure 4: Excerpts from a specialized commercial maritime database platform showing a segment of the *Koya’s* (IMO: 9396878) voyage in November 2017



Source: Windward, annotated by the Panel

During the time of the reported ship-to-ship transfer, the Koya’s registered owner, ship manager and operator was Koya Corp. The Panel notes that the Panama-registered Koya Corp appeared to have shared the same directors as Koti Corp, the registered owner of the designated *Koti* (IMO: 9417115) that was engaged in a ship-to-ship transfer with the DPRK tanker *Kum Un San 3* (IMO: 8705539) on 9 December 2017. The *Koti* was impounded by the Republic of Korea in 2017 and scrapped in 2020.

The China-registered Dalian Grand Ocean Shipping Management Co Ltd (hereafter “Dalian Grand Ocean”) served as the vessel’s Document of Compliance (DOC) company holder between July 2017 to March 2018. Dalian Grand Ocean also served as the *Koti’s* DOC company holder from July 2017. The Panel has yet to receive a response from the company.

Source: The Panel

[39] Ibid..

Annex 31 (b) :Excerpts of the Time Charter Memorandum for the *Semua Gembira*

TO : [redacted]

ATTN : MR.[redacted] Shin

VIA : T ENERGY / MR.[redacted] CHIU

RE : MT SEMUA GEMBIRA / [redacted] T.C.P DTD 20TH , DEC. 2018

=== CLEAN FIXTURE ===

Dear Sir,

With reference to our various correspondences, we are pleased to confirm this fixture with all subjects lifted and here recap clean fixture concluded as follows:

TIME CHARTER PARTY DATED : 20TH , DEC. 2018.

CHARTERERS : [redacted]

DISPONENT OWNERS : [redacted]

1. VESSEL : MT SEMUA GEMBERA

imo type	: product oil tanker
flag	: PORT KELANG
call sign	: 9MIE4
imo number	: 9494917
year built	: 2009
class	: bureau veritas
length overall	: 105.83 meters
beam	: 18.60 METRES
gt	: 5,182.00 metric tons
nt	: 2,594.00 metric tons
sdwt	: 8,008 metric tons

1

draft (summer)	:	7.800 meters
tpc at summer draft	:	16.54 METRIC TONS
keel to mast	:	32.02 metres
bow to centre manifold	:	53.475 metres
HULL type	:	DOUBLE HULL
cargo 98% capacity	:	8740.417 cubic metres
slop tanks 98 % capacity	:	287.832 cubic metres
no. of cargo tanks	:	5x port + 5x starboard

QCIMF Q88 ATTACHED AS APPENDIX A

VESSEL LAST THREE CARGOES : 1ST LAST : ADO

2ND LAST : MGO

3RD LAST : ADO

2. SPEED AND BUNKER CONSUMPTIONS:

AT SEA – IFO 380CST FOR MAIN ENGINE AND MGO FOR AUXILIARY ENGINES.

IN PORT – MGO FOR AUXILIARY ENGINES

At sea Laden at speed 10 knots Main Engine consumption 8.00 MT per day.

At sea ballast speed 10 knots Main Engine consumption 7.50 MT per day.

At sea auxiliary Engine consumption 1 MT per day.

Consumption based on Wind scale up to Beaufort 4.

In port loading Auxiliary Engine consumption 1.00 MT per day.

In port Discharging Auxiliary Engines consumption 2.00 per day.

In port idling Auxiliary Engine 0.9 MT per day.

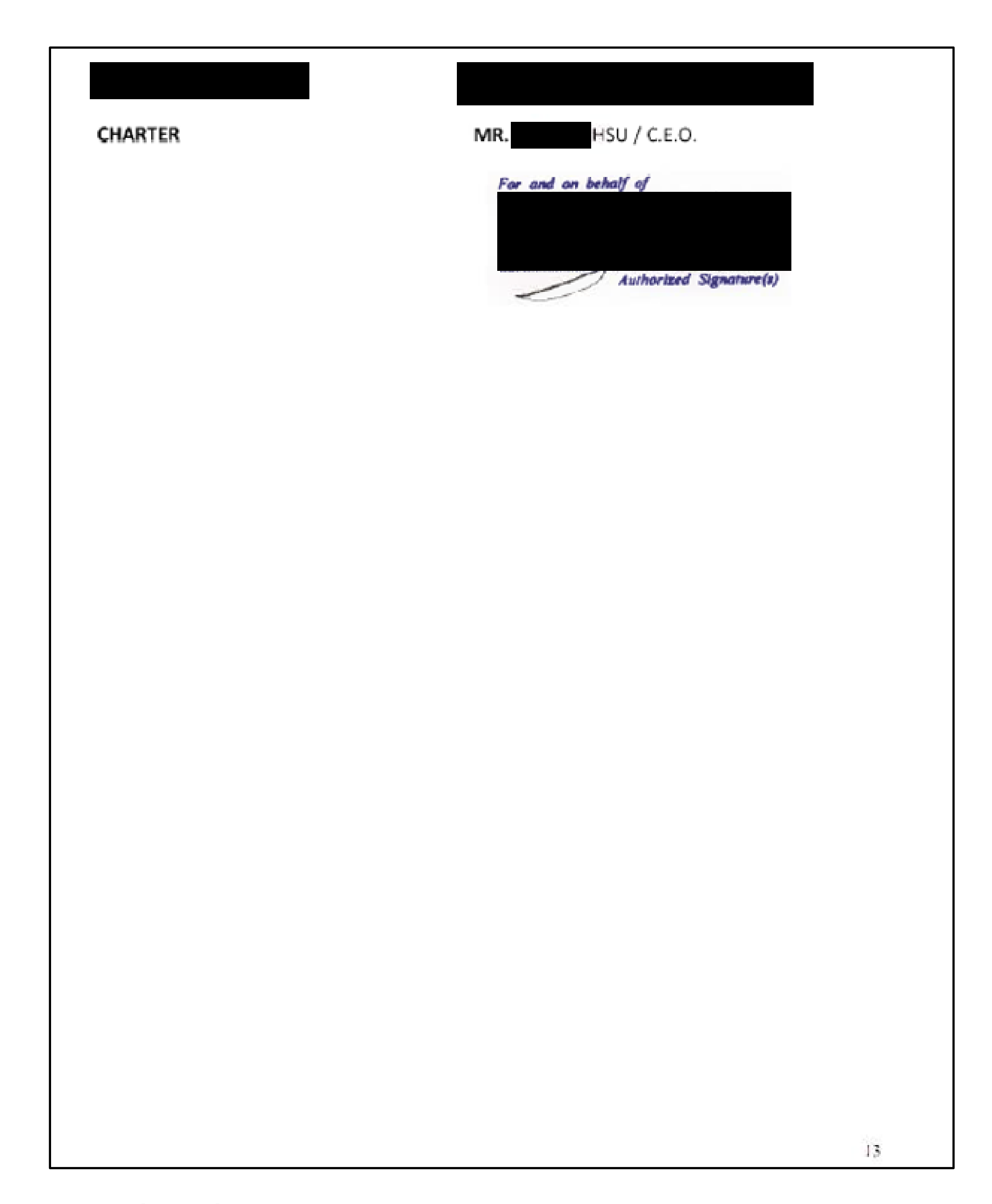
3. CHARTER PERIOD : 1MONTHS + 3MONTHS AT CHARTERERS OPTION WITH OWNERS AGREEMENT BUT CHARTERER SHALL DECLARE THEIR OPTION AT LEAST 30 DAYS PRIOR TO THE ESTIMATED EXPIRY DATE OF CHARTER PERIOD TO THE OWNERS. ALSO IN THE FINAL MONTH OF CHARTER PERIOD, CHARTERER SHALL USE THE VESSEL PLUS/MINUS 7 DAYS PERIOD UNDER THIS CHARTER PARTY

4. DELIVERY DATE : 20TH DEC. 2018

TRADING AREA : SOUTH EAST ASIA (SINGAPORE, MALAYSIA, INDONESIA, PHILIPPINES, THAILAND, VIETNAM, MYANMAR, BRUNEI, CAMBODIA), SOUTH CHINA, TAIWAN, HONG KONG, SOUTH KOREA, ALWAYS WITHIN SAFE PORT/BERTH, ALWAYS AFLOAT, ALWAYS ACCESSIBLE AND SAFE ANCHORAGE. TRADING AREA ALWAYS TO EXCLUDE WAR RISKS

2

xxxxxxx


[redacted] [redacted]

CHARTER

MR. [redacted] HSU / C.E.O.

For and on behalf of

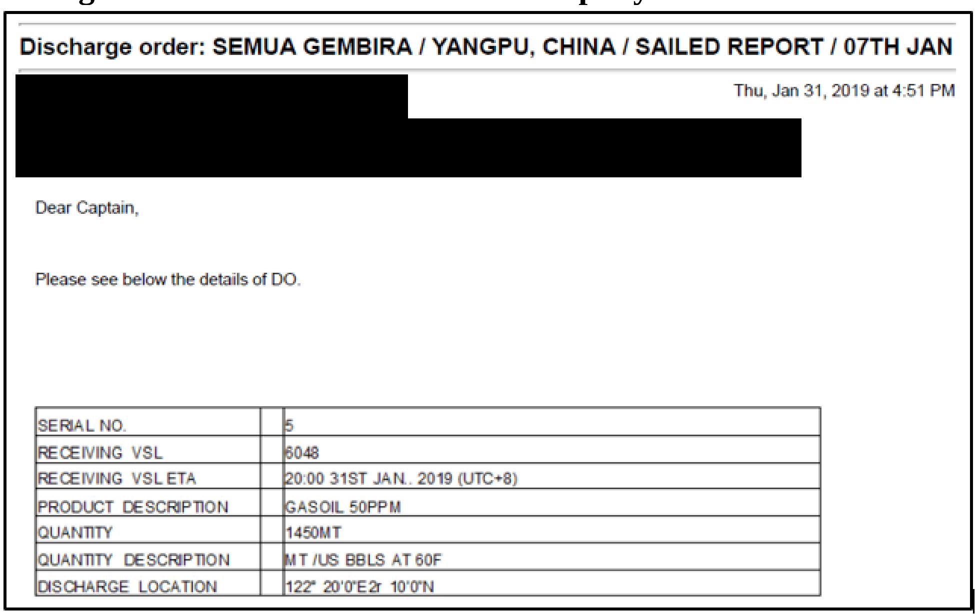
[redacted]

Authorized Signature(s)

13

Source: The Panel

Annex 31 (c): Excerpts of email communication of discharge order transmitted via email between the Dubai-based Time Charter company and Apacmarine as ship manager for the Bareboat Charter Company



Discharge order: SEMUA GEMBIRA / YANGPU, CHINA / SAILED REPORT / 07TH JAN

[redacted] Thu, Jan 31, 2019 at 4:51 PM

Dear Captain,

Please see below the details of DO.

SERIAL NO.		5
RECEIVING VSL		6048
RECEIVING VSL ETA		20:00 31ST JAN.. 2019 (UTC+8)
PRODUCT DESCRIPTION		GASOIL 50PPM
QUANTITY		1450MT
QUANTITY DESCRIPTION		MT /US BBLS AT 60F
DISCHARGE LOCATION		122° 20'0"E2r 10'0"N

RE: Discharge order: SEMUA GEMBIRA / YANGPU, CHINA / SAILED REPORT / 07TH JAN- parcel 5

2 messages

[redacted] Fri, Feb 1, 2019 at 5:36 PM

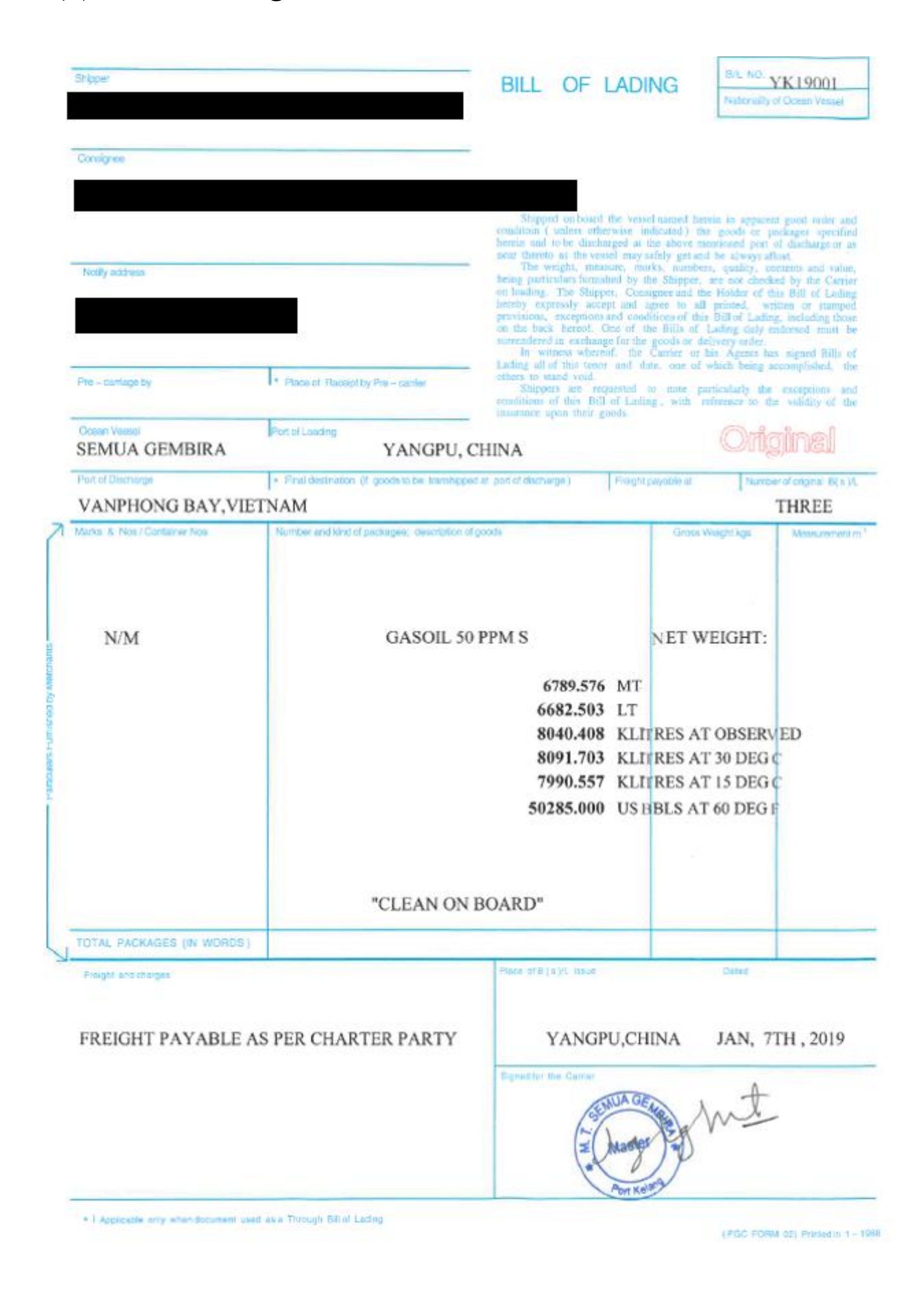
Dear [redacted]

Please release the next parcel as per the below.

SERIAL NO.		05
RECEIVING VSL		8972
RECEIVING VSL ETA		REVERTING
PRODUCT DESCRIPTION		GASOIL 50PPM
QUANTITY		1800MT
QUANTITY DESCRIPTION		MT /US BBLS AT 60F
DISCHARGE LOCATION		122° 20'0"E2r 10'0"N

Source: The Panel

Annex 31 (d): Bill of Lading for the *Semua Gembira*



Shipper
[redacted]

BILL OF LADING

B/L NO. YK19001
Nationality of Ocean Vessel

Consignee
[redacted]

Notify address
[redacted]

Shipped on board the vessel named herein in apparent good order and condition (unless otherwise indicated) the goods or packages specified herein and to be discharged at the above mentioned port of discharge or as near thereto as the vessel may safely get and be always afloat.

The weight, measure, marks, numbers, quality, contents and value, being particulars furnished by the Shipper, are not checked by the Carrier on loading. The Shipper, Consignee and the Holder of this Bill of Lading hereby expressly accept and agree to all printed, written or stamped provisions, exceptions and conditions of this Bill of Lading, including those on the back hereof. One of the Bills of Lading duly endorsed must be surrendered in exchange for the goods or delivery order.

In witness whereof, the Carrier or his Agents has signed Bills of Lading all of this tenor and date, one of which being accomplished, the others to stand void.

Shippers are requested to note particularly the exceptions and conditions of this Bill of Lading, with reference to the validity of the insurance upon their goods.

Pre – carriage by | * Place of Receipt by Pre – carrier

Ocean Vessel: SEMUA GEMBIRA
Port of Loading: YANGPU, CHINA

Original

Port of Discharge: VANPHONG BAY,VIETNAM
* Final destination (if goods to be transhipped at port of discharge)
Freight payable at
Number of original B(s) /L: THREE

Marks & Nos / Container Nos	Number and kind of packages; description of goods	Gross Weight kgs	Measurement m³
N/M	GASOIL 50 PPM S	NET WEIGHT:	
	6789.576 MT		
	6682.503 LT		
	8040.408 KLITRES AT OBSERVED		
	8091.703 KLITRES AT 30 DEG C		
	7990.557 KLITRES AT 15 DEG C		
	50285.000 US BBLS AT 60 DEG F		
	"CLEAN ON BOARD"		
TOTAL PACKAGES (IN WORDS)			

Freight and charges: FREIGHT PAYABLE AS PER CHARTER PARTY
Place of B(s)/L issue: YANGPU,CHINA
Dated: JAN, 7TH , 2019

Signed for the Carrier
M.T. SEMUA GEMBIRA Master Port Kelang

* Applicable only when document used as a Through Bill of Lading

(FGC FORM 02) Printed in 1 – 1988

Source: The Panel

Annex 32: Fishing rights transfer

Annex 32 (a) Trading of DPRK fishing rights transfer and involvement of Chairperson of General Association of Koreans in China

A media report broadcast in May 2020 showed an agent who promoted fishing rights to operate in the waters of the Democratic People's Republic of Korea. The agent explained that every year about 800-1000 fishing permits were sold. In the program, the agent further explained that the contracts were signed in China and upon arrival to the waters of the Democratic People's Republic of Korea, official fishing permits would be passed to the fishing vessels.

The same report purportedly showed Ms. Choe Un Bok, Chairperson of the General Association of Koreans in China, as a person who was tasked by the Democratic People's Republic of Korea to sell fishing rights. In the report this individual stated that although the amount of payment for fishing rights changed, at the time of the recording the payment amount was 300,000 RMB[40], and for entry to certain profitable area of water there was an extra charge. The Panel has not received reply from Ms. Choe or the organization.

[40] Approx.46,000USD (rate of 15 January 2021).

Annex 32 (b): Fishing related joint venture and activity of DPRK's Korea Surim Trading Corporation

According to information obtained by the Panel, Weihai Peninsula Vessel Fuel Co., Ltd.[41] was in late 2019 involved in plans to establish with Korea Surim Trading Corporation a joint venture, concerning fishing, that would primarily operate in DPRK waters. The information obtained by the Panel suggests that the joint venture would be located in Sinuiju, DPRK.

According to the Member State, Korea Surim Trading Corporation was in 2019 and 2020 involved in directing numerous activities prohibited by relevant Security Council resolutions. These activities included ship-to-ship transfers with DPRK-flagged vessels. The Panel has not received a reply to its enquiry from Weihai Peninsula Vessel Fuel Co., Ltd.

According to the same Member State, Korea Surim Cooperation also engaged in trade on behalf of designated Korea Taeryonggang Trading Cooperation in 2016. The DPRK's Korea Myohyang General Corporation was directly involved in facilitating this relationship. For the more information on Korea Surim, see finance section.

[41] address: 12 Huayuan South Road, Weihai City, Shandong province, China

Annex 32 (c) : Fishing vessels observed by Member States

Fishing vessels observed by Member States

The Panel obtained information which suggests transfer of fishing rights continues. Multiple Member States provided information on Chinese vessels operating in, or intending to operate in, waters of the Democratic People's Republic of Korea. The Panel investigated and submitted enquiries to the relevant countries. Information provided by Member States suggested that these vessels adopted measures to obfuscate their activities and identities, such as receiving licenses in the waters of the Democratic People's Republic of Korea, concealing their names, and flying two country's flags. In this reporting period, a Member State informed the Panel of two vessels flying the flag of DPRK and Chinese flags (辽大中渔 15181 (Liao Da Zhong Yu 15181) and 福远 28 (FUYUAN 28)), and a vessel flying the flag of the Republic of Korea and Chinese flag (临渔运 0002(Lin Yu Yun 0002) (figures 1 and 2). The Republic of Korea replied to the Panel (Annex 32 (d)). For the Member States' information and the Panel's analysis see Annex 32 (e). China replied to the Panel (Annex 32 (f)).

Figure 1: Photo and interview result of fishing vessel 辽大中渔 15181



Interview result	
Date and time	05-Oct-20
Location	38°26.0'N 132°25.7'E
Name of the boat	辽大中渔 15181(Liao da zhong yu 15181)
Nationality	China (as answered). North Korean flag was displayed on the bow.
Tonnage of the boat	about 500 tonnes (as answered)
Home port	unknown
Port of departure	unknown
Date of departure	unknown
Date of return	The vessel was heading to DPRK waters but had been instructed to go back home due to engine trouble.
Destination	
AIS information /MMSI number	MMSI：412280000、NAME：Liao da zhong yu
Type of fishing	cover net
Fishing grounds	Waters of the DPRK
Duration of fishing	-
Number of the crew	13 (all Chinese)
Company name	unknown
Number of consorts	-
Other answers from the boat	・The company is applying for a fishing permit in the DPRK. The vessel was heading to DPRK waters following the instruction from the company. It did not provide detail about the purchase of a permit.

Source: Member State

Figure 2: Photo and interview result of fishing vessel 临渔运 0002



Interview result	
Date and time	19-Oct-20
Location	38°26.9'N 132°45.2'E
Name of the boat	临渔运 0002 (Lin Yu Yun 0002)
Nationality	China (as answered) Chinese and ROK flag was displayed on the bow.
Tonnage of the boat	1800 tonnes (as answered)
Home port	石岛(Shi Dao) (hull indication 调楼(Diao Lou))
Port of departure	石岛(Shi Dao)
Date of departure	14-Oct-20
Date of return	Scheduled to go back after receiving a permit and operating in DPRK waters for from 7 to 10 days
Destination	Waters of the DPRK
AIS information /MMSI number	412000000 (AIS ship name 0)
Type of fishing	Refrigerated Carrier
Fishing grounds	38°37'N 131°11'E (waters of the DPRK)
Duration of operation	7 to 10 days
Number of the crew	18 (all Chinese)
Company name	unknown
Number of consorts	-

Source: Member State

Annex 32 (d): Reply from the Republic of Korea to the Panel

To the Panel, the Republic of Korea replied “the Republic of Korea confirms that the vessel Lin Yu Yun 0002 is not registered as a ship of the Republic of Korea.” noting “no information concerning the vessel Lin Yu Yun 0002, including its flag status, MMSI numbers, and port entry, was found”.

The ROK further informed that (1) Article 5 (Hoisting of National Flag) of the Ship Act states non-ROK ships shall not hoist the national flag of the Republic of Korea; (2) Article 8 (Registry and Registration) of the Ship Act states each owner of an ROK ship shall apply for the registration of the ship to the administrator of a regional office of oceans and fisheries having jurisdiction over the port of registry within 60 days from the date of acquiring the ship, as prescribed by the Ordinance of the Ministry of Oceans and Fisheries; (3) Article 17 (Indication of the Ship) of its Enforcement Regulations of the Ship Act states each ROK ship shall visibly display the name of the ship in Korean, including Arabic numerals, on the outside of the ship.

Annex 32 (e): Member States’ information and the Panel’s analysis

(1) First Member State information: Chinese Fishing Vessels in DPRK Waters

Chinese Fishing Vessels in DPRK Waters

	Flag	Vessel Name	Reg Owner	Call Sign	MMSI	Ship Type	Navigation Status	Latitude	Longitude	Age	Time Of Fix
1	China	Qiongfangyu11216	null	11216	412011216	30-Fishing	15-NotDefined	38.908803	124.20434	496d10h	2019-06-07T02:49:05.000Z
2	China	Dongting11566	null	AMB0	412111566	30-Fishing	15-NotDefined	38.66511	123.937727	177d11h	2020-04-21T02:02:40.000Z
3	China	Liaoyingyu25638	null	25638	412200592	30-Fishing	15-NotDefined	38.695772	123.942695	275d14h	2020-01-13T23:17:54.000Z
4	China	Liaowayu55035	null	55035	412202853	30-Fishing	5-Moored	37.338428	125.000992	122d20h	2020-06-14T16:49:57.000Z
5	China	Zhong Tang 2	null		412205279	30-Fishing	15-NotDefined	40.400347	131.76396	380d22h	2019-09-30T14:45:31.000Z
6	China	412205931	null	0	412205931	30-Fishing	15-NotDefined	38.48482	124.103897	426d04h	2019-08-16T09:34:40.000Z
7	China	Liaozhuangyu65135	null	65135	412206082	30-Fishing	15-NotDefined	38.542297	124.150327	426d07h	2019-08-16T05:44:07.000Z
8	China	Liaodanyu23817	null	0	412210072	30-Fishing	15-NotDefined	38.472047	123.956825	387d08h	2019-09-24T05:37:34.000Z
9	China	Liaodanyu25423	null		412210192	30-Fishing	15-NotDefined	39.357703	124.642733	471d07h	2019-07-02T06:16:04.000Z
10	China	Liaodanyu26488	null		412210225	30-Fishing	15-NotDefined	38.699107	124.80616	416d06h	2019-08-26T07:37:27.000Z
11	China	Liaodanyu 25509	null		412210538	30-Fishing	15-NotDefined	38.849587	124.053545	8d18h	2020-10-06T18:45:38.000Z
12	China	Liaodanyu25448	null		412210931	30-Fishing	15-NotDefined	38.48989	123.835147	601d02h	2019-02-22T11:04:06.000Z
13	China	Liaodanyuyun25139	null		412211386	30-Fishing	15-NotDefined	39.168513	124.478667	384d18h	2019-09-26T18:59:00.000Z
14	China	Liaodanyu23848	null		412211674	30-Fishing	15-NotDefined	39.344227	124.763493	348d05h	2019-11-02T08:26:29.000Z
15	China	Liaodanyu 25968	null		412211839	30-Fishing	15-NotDefined	38.662248	125.037083	417d11h	2019-08-25T02:22:38.000Z
16	China	Liaodanyu25721	null		412211887	30-Fishing	15-NotDefined	39.828675	124.30629	444d02h	2019-07-29T10:49:29.000Z
17	China	Liao_dan_yu26685	null	123456	412215394	30-Fishing	15-NotDefined	38.479397	123.95728	875d00h	2018-05-24T12:38:55.000Z
18	China	Liaodanyu26441	null	26441	412215418	30-Fishing	15-NotDefined	39.340282	124.297502	30d00h	2020-09-15T13:14:21.000Z
19	China	Liaodanyuyun25097	null	25097	412215422	30-Fishing	15-NotDefined	37.643918	125.488477	414d00h	2019-08-28T13:14:07.000Z
20	China	Liaodanyu26098	null	26098	412215438	30-Fishing	15-NotDefined	38.426343	124.178418	525d09h	2019-05-09T04:25:10.000Z
21	China	Liaodanyu26096	null		412215491	30-Fishing	15-NotDefined	38.064347	124.595225	358d22h	2019-10-22T14:37:59.000Z
22	China	Liao_dan_yu26687	null	123457	412215967	30-Fishing	15-NotDefined	38.342285	124.036583	876d12h	2018-05-23T01:02:56.000Z
23	China	Liaodanyu01317	null	1317	412220973	30-Fishing	15-NotDefined	39.822415	124.297345	390d03h	2019-09-21T09:44:59.000Z
24	China	Liaodanyuyun25043	null	25043	412221339	30-Fishing	15-NotDefined	39.699745	124.243717	573d16h	2019-03-21T20:38:59.000Z
25	China	Danyubu5083	null	5083	412223844	30-Fishing	15-NotDefined	39.303895	124.150968	28m52s	2020-10-15T13:08:59.000Z
26	China	Danyubu6152	null	6152	412223883	30-Fishing	15-NotDefined	39.14507	124.213195	400d00h	2019-09-11T13:10:01.000Z
27	China	Liaodanyu23581	null	23581	412224015	30-Fishing	15-NotDefined	38.608325	123.972905	18m51s	2020-10-15T13:19:00.000Z
28	China	Liaodanyu25145	null	25145	412224406	30-Fishing	15-NotDefined	38.636238	123.938813	42m28s	2020-10-15T12:55:23.000Z
29	China	Liaodanyu25267	null	25267	412224457	30-Fishing	15-NotDefined	38.633567	123.913202	5h37m	2020-10-15T08:00:05.000Z
30	China	Liaodanyu25406	null	25406	412224516	30-Fishing	15-NotDefined	38.665275	123.964578	6m05s	2020-10-15T13:31:46.000Z
31	China	Liaodanyu25968	null	25968	412224786	30-Fishing	15-NotDefined	38.583367	123.982702	16d17h	2020-09-28T19:43:08.000Z
32	China	Liaodanyu25989	null	25989	412224802	30-Fishing	15-NotDefined	38.664872	123.964862	9m26s	2020-10-15T13:28:25.000Z

	Flag	Vessel Name	Reg Owner	Call Sign	MMSI	Ship Type	Navigation Status	Latitude	Longitude	Age	Time Of Fix
33	China	Dazhuangbu4427	null	0	412260049	30-Fishing	15-NotDefined	38.260867	124.251753	454d11h	2019-07-19T02:22:12.000Z
34	China	Sss66668888	null	6666	412268888	30-Fishing	15-NotDefined	38.250903	123.945235	36d19h	2020-09-08T18:08:16.000Z
35	China	1818	null		412281818	30-Fishing	15-NotDefined	38.81984	124.21908	502d08h	2019-06-01T04:47:39.000Z
36	China	Jihuanggangyu 02040	null		412286786	30-Fishing	15-NotDefined	38.685807	124.804322	898d17h	2018-04-30T20:08:09.000Z
37	China	Jinhanyu04883	null	4883	412301027	30-Fishing	15-NotDefined	38.503658	124.159753	523d17h	2019-05-10T20:24:13.000Z
38	China	Jinhanyu04916	null	4916	412301051	30-Fishing	15-NotDefined	39.279743	127.770693	437d04h	2019-08-05T09:20:42.000Z
39	China	Lurongyu55139	null	55139	412320049	30-Fishing	15-NotDefined	38.422968	124.172348	523d07h	2019-05-11T05:59:34.000Z
40	China	Lurongyu52836	null	52836	412321643	30-Fishing	15-NotDefined	39.578798	130.722793	439d00h	2019-08-03T13:14:10.000Z
41	China	Lu Laizhouyu 66023	null		412323636	30-Fishing	15-NotDefined	40.32558	131.591377	380d16h	2019-09-30T21:25:10.000Z
42	China	Lurongyu58295	null	58295	412324168	30-Fishing	15-NotDefined	39.787442	130.204445	438d14h	2019-08-03T22:46:39.000Z
43	China	Lurongyu55685	null	55685	412327826	30-Fishing	15-NotDefined	38.217172	123.634667	542d21h	2019-04-21T16:20:05.000Z
44	China	Lurongyu58137	null	58137	412329155	30-Fishing	15-NotDefined	40.692862	132.214668	380d14h	2019-09-30T23:02:17.000Z
45	China	Liaodanyu21008	null	8	412335111	30-Fishing	15-NotDefined	38.462283	123.903017	152d03h	2020-05-16T09:59:42.000Z
46	China	Liao Dan Yu 23387	null	8 24	412335121	30-Fishing	15-NotDefined	39.953592	131.843672	499d23h	2019-06-03T13:47:18.000Z
47	China	Liao Dan Yu 23388	null	8 24	412335122	30-Fishing	15-NotDefined	39.955403	131.83443	499d23h	2019-06-03T13:54:13.000Z
48	China	____________	null	______	412367878	30-Fishing	15-NotDefined	38.495117	124.038085	870d00h	2018-05-29T13:19:58.000Z
49	China	Jifengyu00188	null	BCN0733	412432568	30-Fishing	15-NotDefined	40.67724	132.124498	380d05h	2019-10-01T08:32:31.000Z
50	China	Jirenyu00126	null	126	412563212	30-Fishing	15-NotDefined	38.286043	123.681992	135d18h	2020-06-01T18:53:17.000Z
51	China	350-3	null		412767878	30-Fishing	15-NotDefined	38.139168	124.281678	384d14h	2019-09-26T23:25:21.000Z
52	China	Liaodahuayu15016	null	15016	412785692	30-Fishing	15-NotDefined	38.312383	123.909515	136d18h	2020-05-31T19:22:16.000Z
53	China		null		412798709	30-Fishing	15-NotDefined	37.70368	125.524507	524d00h	2019-05-10T13:04:03.000Z
54	China	201-2-89%	null	100200	412804151	30-Fishing	15-NotDefined	38.562637	123.871795	8d09h	2020-10-07T03:41:31.000Z
55	China	Xing Hai 668	null		412866988	30-Fishing	15-NotDefined	39.442917	130.15955	490d03h	2019-06-13T10:33:23.000Z
56	China	65170-5	null		413534567	30-Fishing	15-NotDefined	38.306255	124.230147	384d03h	2019-09-27T09:38:21.000Z
57	China	Y Ongzheng S	null		413764201	30-Fishing	15-NotDefined	39.86398	124.276588	770d03h	2018-09-06T10:11:52.000Z

All vessels were broadcasting no IMO number, did not indicate any destination, and did not indicate any estimated time of arrival (ETA)

Source: Member State

(2) List of ships observed and individuals reported by the third Member State in September and October 2020

鲁荣渔 59295 (Lu Rong Yu 59295)

鲁荣渔 59296 (Lu Rong Yu 59296)

福远 27 (FUYUAN 27)

福远 28 (FUYUAN 28)

辽大中渔 15181(Liao da zhong yu 15181)

临渔运 0002(Lin Yu Yun 0002)

辽丹渔 3607 (Lian Dan Yu 3607)

辽丹渔 3608 (Lian Dan Yu 3608)

王德倖 (owner of 辽丹渔 3607)

(3) Panel's methodology

The Panel checked the data with various sources including through Member States.

A Member State stated that among these 57 vessels on the list of Annex 2 (1) above provided by another Member State, "no information is available to confirm the existence of vessels in No. 6, 9, 33, 48, 53 and 55. The other 51 vessels on the list are said to be 'Active' in relevant [maritime database] website, but there is no information about their IMO registration, owner and operator." The Member State also provided recent geographical positions of the vessels on the list, with names matching with MMSI recorded in publicly available maritime databases (Table). The Member State stated that "these positions were received in 2019 and they were around maritime areas around North Korea, including the east side of the Korean Peninsula".

Table: Member State information on the location of vessels

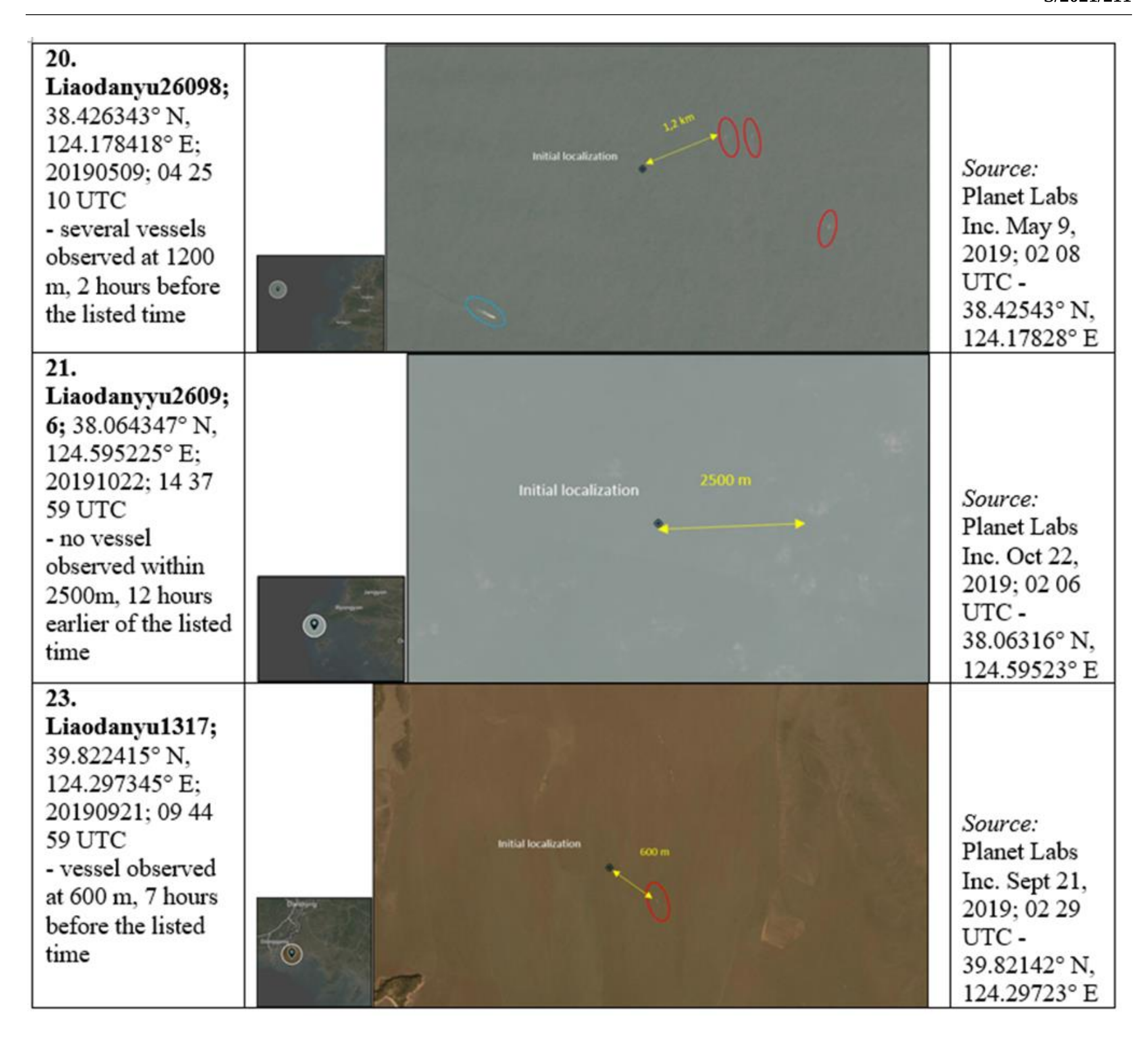
No.	Vessel Name	MMSI	Date	Time (UTC)	Latitute	Longtitude
5	ZHONG TANG 2	412205279	2019.9.26	14:57	41.90457N	130.3961E
13	Liao Dan Yu Yun 25139	412211386	2019.11.8	14:20	39.34904N	124.7636E
15	Liao Dan Yu 25968	412211839	2019.8.19	12:12	38.67237N	125.0151E
19	Liao Dan Yu Yun 25097	412215422	2019.8.22	0:37	37.64317N	125.4855E
20	Liao Dan Yu 26098	412215438	2019.5.8	15:33	38.4271N	124.1801E
21	Liao Dan Yu 26096	412215491	2019.10.22	14:37	38.06435N	124.5952E
38	Jin Han Yu 04916	412301051	2019.8.5	9:34	39.27627N	127.7595E
40	Lu Rong Yu 2836 *	412321643	2019.8.3	12:25	39.52571N	130.8495E
42	Lu Rong Yu 58295	412324168	2019.8.5	5:08	39.68707N	130.403E
46	Liao Dan Yu 23387	412335121	2019.6.13	10:33	39.37794N	130.2695E
47	Liao Dan Yu 23388	412335122	2019.6.13	10:59	39.36693N	130.2393E

* The vessel with MMSI No.412321643 is currently registered as Lu Rong Yu 2836.

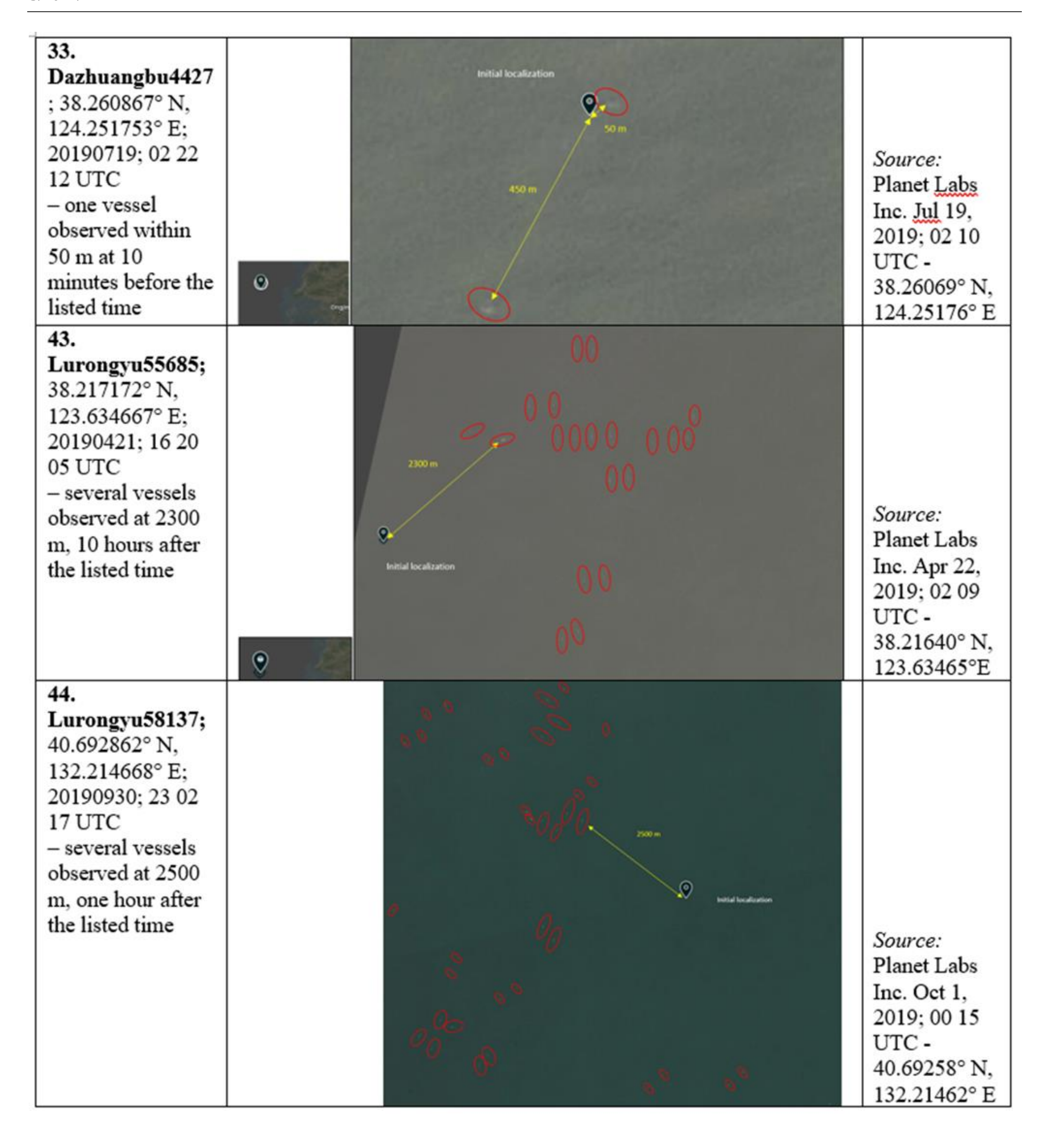
The Panel also analysed satellite imagery of the vicinity to examine the information provided by the first Member State (Figure).

Figure: Example of satellite imagery of vicinity of the fishing vessels' location on the list (1)

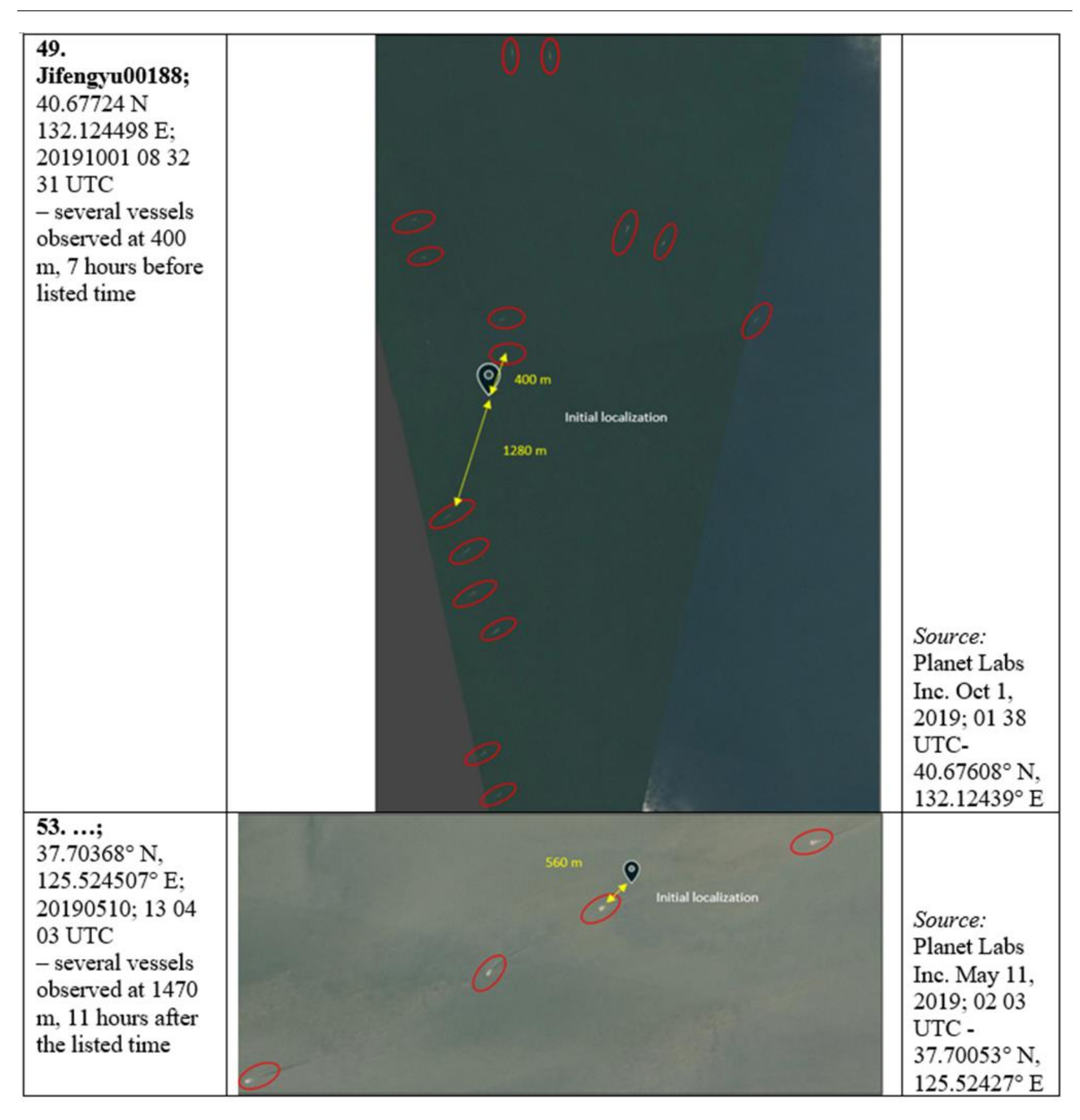
No. & observation	Satellite imagery	Source
11. Liaodanyu25509; 38.849587° N, 124.053545°; 20201006; 18 45 38 UTC – several vessels observed at 5600 m 16hours before listed time		*Source:* Planet Labs Inc. Oct 06, 2020; 02 13 UTC - 38.84881° N, 124.05348° E
15. Liaodanyu25968; 38.662248° N, 125.037083° E; 20190825; 02 22 38 UTC – several vessels observed in the area at the same time of the listed time		*Source:* Planet Labs Inc. Aug 25, 2019 02 06 UTC - 38.66153° N, 125.03699° E
17. Liaodanyu26685; 38.479397° N, 123.95728° E; 20180524; 12 38 55 UTC – several vessels observed at 6700 m, 7 hours before the listed time		*Source:* Planet Labs Inc. May 24, 2018; 05 12 UTC - 38.47886° N, 123.95943° E



20. Liaodanyu26098; 38.426343° N, 124.178418° E; 20190509; 04 25 10 UTC - several vessels observed at 1200 m, 2 hours before the listed time		*Source:* Planet Labs Inc. May 9, 2019; 02 08 UTC - 38.42543° N, 124.17828° E
21. Liaodanyyu2609; 6; 38.064347° N, 124.595225° E; 20191022; 14 37 59 UTC - no vessel observed within 2500m, 12 hours earlier of the listed time		*Source:* Planet Labs Inc. Oct 22, 2019; 02 06 UTC - 38.06316° N, 124.59523° E
23. Liaodanyu1317; 39.822415° N, 124.297345° E; 20190921; 09 44 59 UTC - vessel observed at 600 m, 7 hours before the listed time		*Source:* Planet Labs Inc. Sept 21, 2019; 02 29 UTC - 39.82142° N, 124.29723° E



33. Dazhuangbu4427; 38.260867° N, 124.251753° E; 20190719; 02 22 12 UTC – one vessel observed within 50 m at 10 minutes before the listed time	*Source:* Planet Labs Inc. Jul 19, 2019; 02 10 UTC - 38.26069° N, 124.25176° E
43. Lurongyu55685; 38.217172° N, 123.634667° E; 20190421; 16 20 05 UTC – several vessels observed at 2300 m, 10 hours after the listed time	*Source:* Planet Labs Inc. Apr 22, 2019; 02 09 UTC - 38.21640° N, 123.63465°E
44. Lurongyu58137; 40.692862° N, 132.214668° E; 20190930; 23 02 17 UTC – several vessels observed at 2500 m, one hour after the listed time	*Source:* Planet Labs Inc. Oct 1, 2019; 00 15 UTC - 40.69258° N, 132.21462° E



49. Jifengyu00188; 40.67724 N 132.124498 E; 20191001 08 32 31 UTC – several vessels observed at 400 m, 7 hours before listed time	400 m Initial localization 1280 m	*Source:* Planet Labs Inc. Oct 1, 2019; 01 38 UTC- 40.67608° N, 132.12439° E
53. …; 37.70368° N, 125.524507° E; 20190510; 13 04 03 UTC – several vessels observed at 1470 m, 11 hours after the listed time	560 m Initial localization	*Source:* Planet Labs Inc. May 11, 2019; 02 03 UTC - 37.70053° N, 125.52427° E

Source: Planet Labs Inc., the Panel

Annex 32 (f): Reply from China to the Panel

3. Fishing rights (OC.459)

China always faithfully fulfills its international obligations and implements Security Council resolutions. China's fishing authority and relevant coastal provinces have taken measures, strengthened management, and demanded the fishing companies and fishermen to follow the Security Council resolutions. If the cases mentioned in the Panel's letter do exist, they must be illegal fishing activities. China's position on such illegal activities is consistent and clear that, once verified, we will deal with the cases in accordance with laws and regulations. However, since the information in the Panel's letter is lack of accuracy and short of substantial evidence, China is unable to conduct in-depth investigation accordingly.

Annex 33: DPRK vessels sailing without AIS transmissions

DPRK vessels that transit to Chinese waters typically do not maintain AIS transmission for significant periods or retain intermittent transmissions with false identifiers to avoid and obfuscate AIS tracking of where they conduct their illicit trade. While AIS non-transmission is a well-documented technique to evade sanctions, maintaining AIS transmission is also key to avoiding accidents at sea. Two DPRK vessels previously featured in Panel reports, *Jang Jin Gang* (IMO: 8914075) and *Su Song* (IMO: 9024889)[42] met with accidents around 15 October 2019 and 1 October 2019 respectively off Zhoushan waters when they were sailing without AIS tracks on maritime databases. Information obtained through the incident reports indicated the vessels were carrying anthracite coal / coal[43].

Source: The Panel

[42] The Jang Jin Gang transmitted sporadically and had not transmitted an AIS signal since June 2019. The Su Song has not transmitted AIS since Oc-tober 2018.

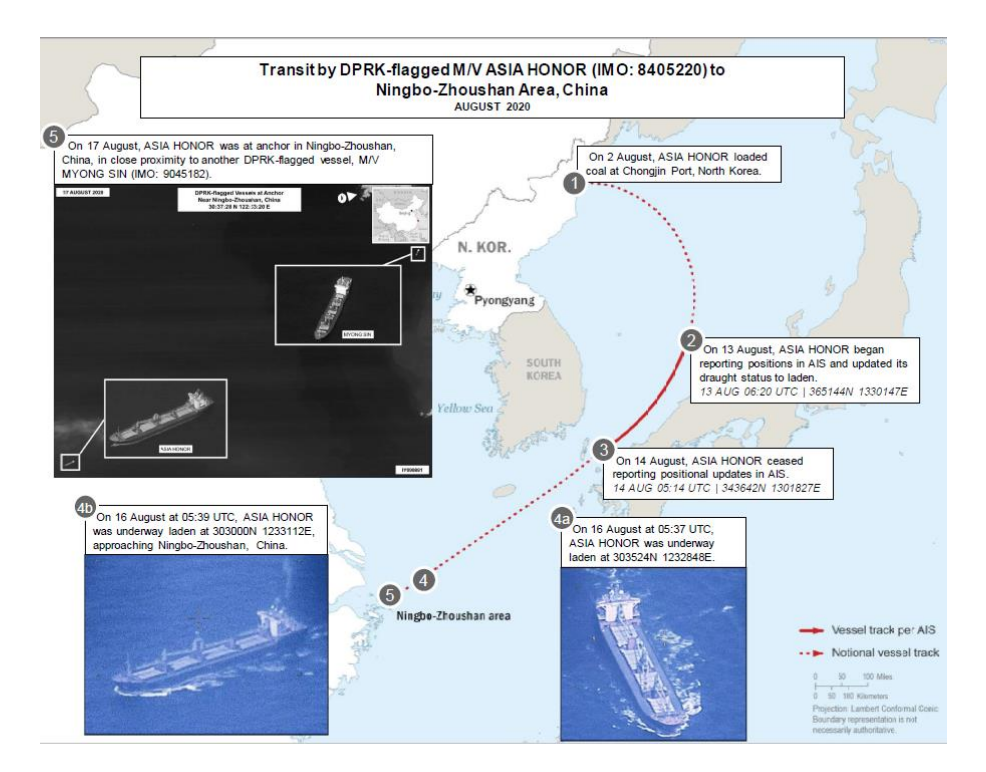
[43] Incident reports from the International Maritime Organization. Documentation including coordinates and summary report of the incidents held by the Panel.

Annex 34: Examples of DPRK vessels exporting coal to waters in Ningbo-Zhoushan, China

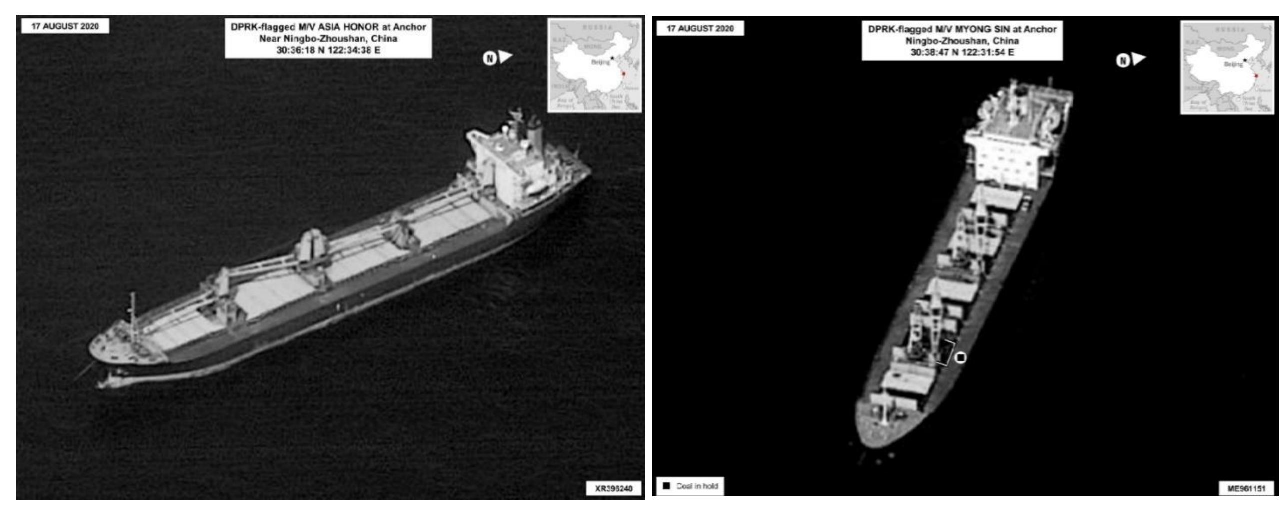
Asia Honor (IMO: 8405220)

On 2 August 2020[44], the DPRK-flagged *Asia Honor* loaded coal at Chongjin Port, DPRK, based on satellite imagery information. On 13 August, the vessel transmitting as '*A H*' briefly reported its AIS positional data and updated its draft status to laden before dropping transmission a day later. According to a Member State, the *Asia Honor* was underway laden with coal at 303524N 1232848E on 16 August as it approached Ningbo-Zhoushan, China. On 17 August, the vessel anchored in Ningbo-Zhoushan in close proximity to another DPRK-flagged vessel, *Myong Sin* (IMO: 9045182) (see figure 1).

Figure 1: Voyage route of *Asia-Honor* exporting DPRK-origin coal, August 2020



[44] All dates unless otherwise stated are given in Universal Time Coordinates (UTC).



Source: Member State

The Asia Honor was previously reported by the Panel transferring DPRK-origin coal to a lighter vessel around 15 February 2019 off the Gulf of Tonkin[45].

The vessel was last managed and operated by HongXiang Marine Hong Kong Ltd[46] (hereafter "HongXiang Marine") and listed Win Trade Worldwide Ltd (hereafter "Win Trade") as its registered owner before the vessel was DPRK-flagged in November 2018[47]. HongXiang Marine additionally managed the following vessels before they transitioned to DPRK vessels in 2018: *Horizon Star* (9017123*), Flourishing* (IMO: 8421315) and *Oriental Treasure* (IMO: 8421315)[48]. These vessels continue to export DPRK-origin coal to waters in Ningbo-Zhoushan in 2020 (see figure 2). The commonality of management company likely indicates associated entities and individuals involved in facilitating the DPRK's illicit activities.

Figure 2: *Horizon Star and Oriental Treasure* at Ningbo-Zhoushan, August 2020



Source: Member State

[45] Paragraph 20, S/2019/691.

[46] Struck off in June 2018 on the Hong Kong company registry.

[47] IHS Markit.

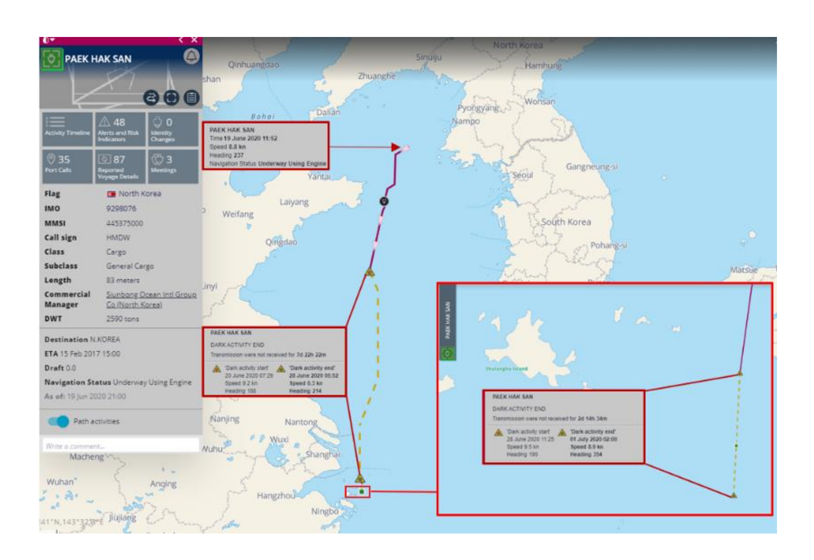
[48] The *Oriental Treasure* has been featured in several Panel reports aiding and abetting the DPRK's illegal coal export operations.

Paek Hak San (IMO: 9298076)

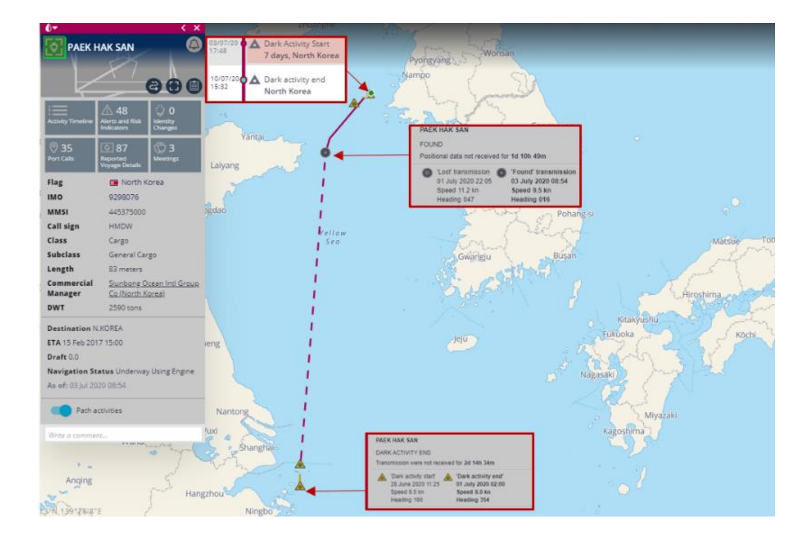
The DPRK-flagged *Paek Hak San* maintained intermittent AIS transmissions that showed at least two voyages made to the Ningbo-Zhoushan area since June 2019. On 19 June 2020 (EST), the vessel began transmitting its AIS outside of DPRK waters, ceasing transmission a day later as it was sailing through the Yellow Sea. The vessel resumed transmission on 21 June in the Ningbo-Zhoushan area. On its return journey to the DPRK, the *Paek Hak San* transmitted AIS positional data from 28 June to 1 July as it departed the Ningbo-Zhoushan area, and re-transmitted in the Yellow Sea on 3 July for the remainder of its voyage (see figure 3). The *Paek Hak San* returned to the Ningbo-Zhoushan area where it transmitted AIS signal on 24 July after departing DPRK waters two weeks earlier. There has been no further transmission since 26 July 2020[49].

Figure 3: Voyage route of *Paek Hak San* exporting DPRK-origin coal, June / July 2020

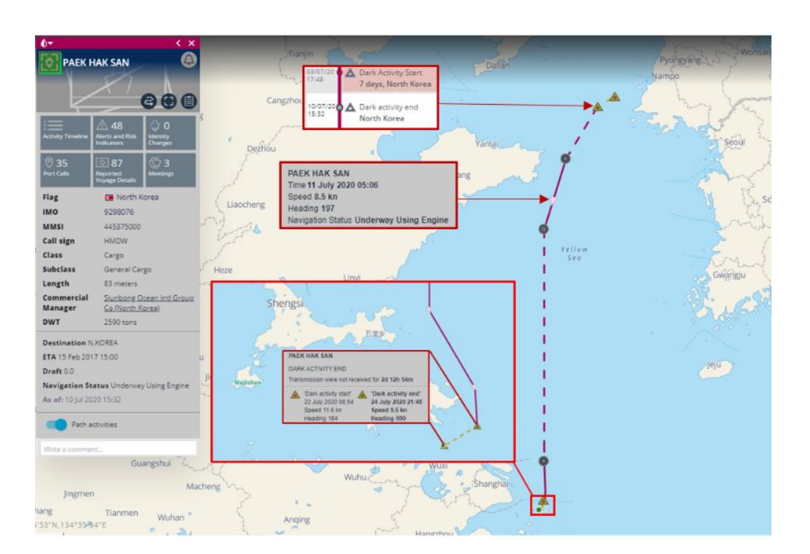
June 2020



July 2020



[49] As on December 2020..



Source: Windward, annotated by the Panel

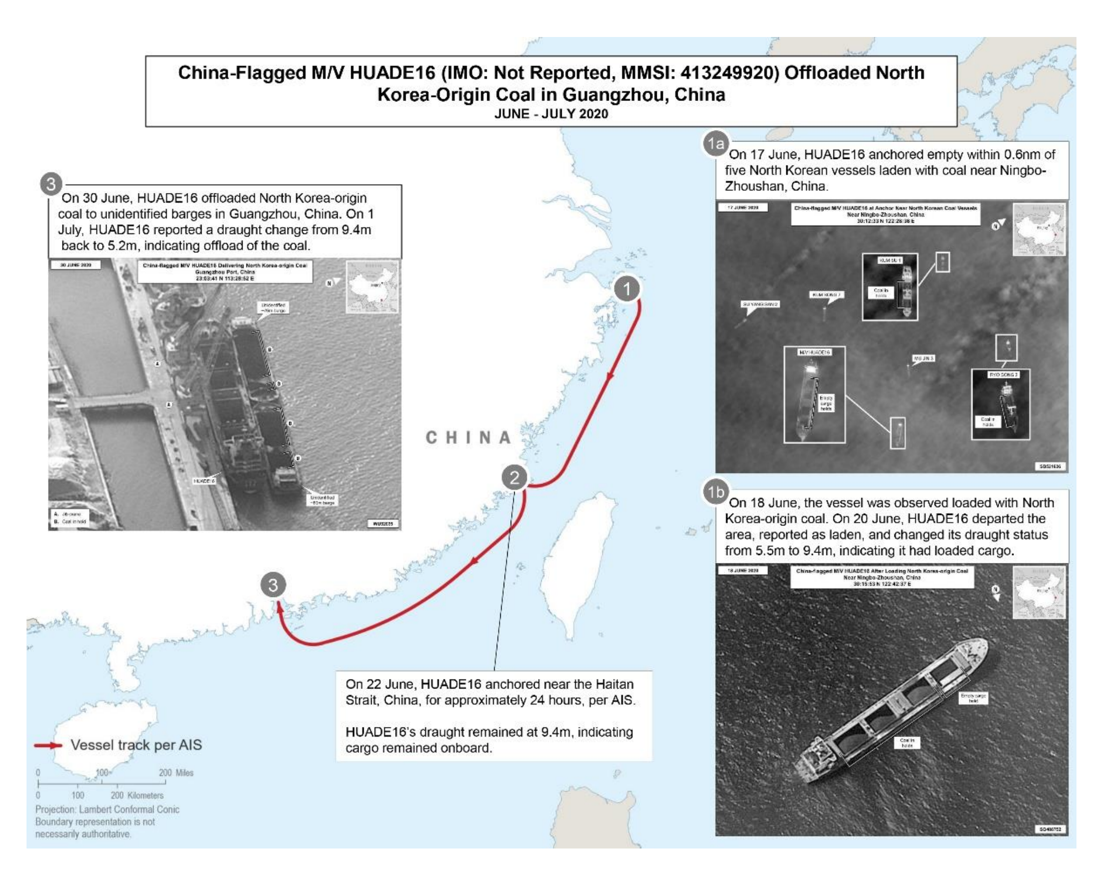
China replied that there was no record of the *Asia Honor* and of the *Paek Hak San* entering or leaving Chinese ports.

Source: The Panel

Annex 35: China-flagged cargo vessels delivering DPRK-origin coal to various Chinese ports

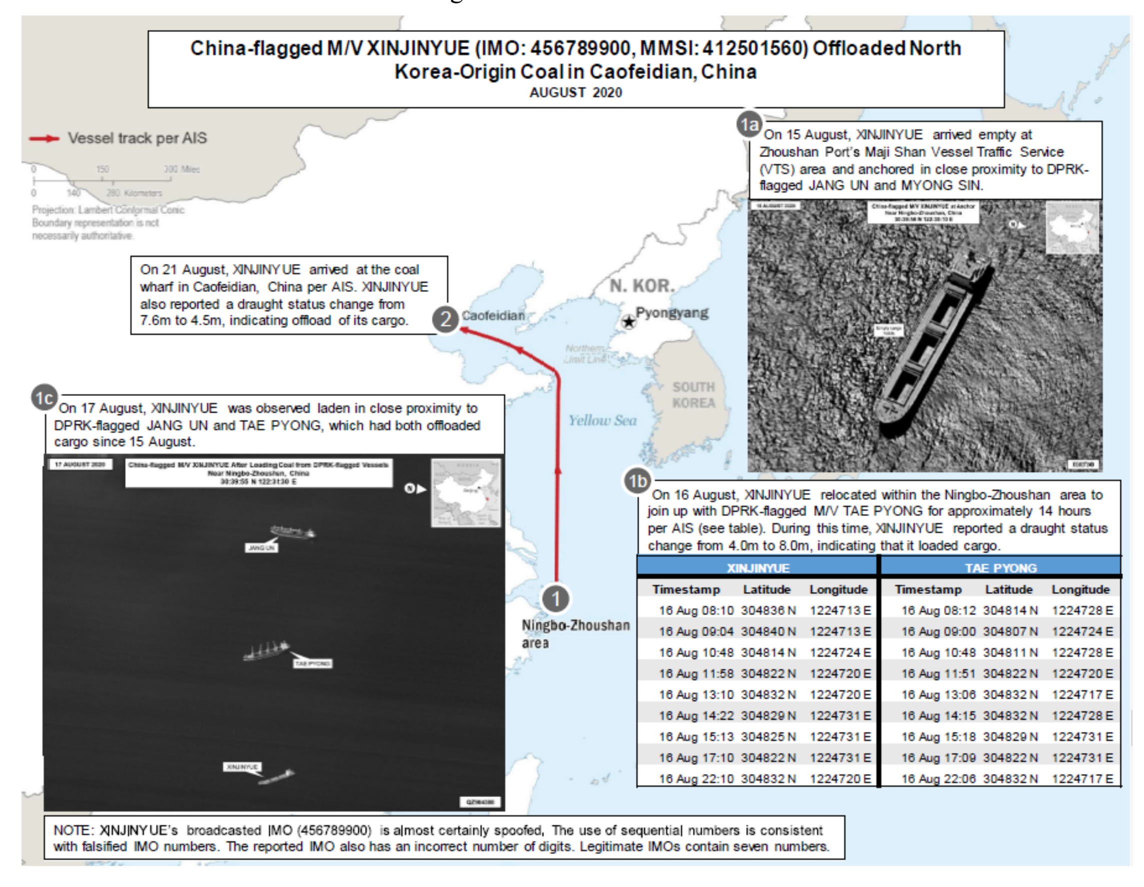
In addition to the *Shun Jin Bao* (MMSI: 413704010) that loaded DPRK-origin coal in the Ningbo-Zhoushan area in China and offloaded the coal at Bayuquan port in August 2020, the following vessels were also reported to have conducted ship-to-ship transfers with DPRK vessels in the Ningbo-Zhoushan area and then transshipped and delivered their cargo at other Chinese ports:

China-flagged *Huade16* (MMSI: 413249920) loaded DPRK-origin coal in the Ningbo-Zhoushan area and offloaded the coal at Guangzhou port in June 2020. The *Huade16* was captured on satellite imagery at a pier alongside two unidentified barges of approximately 76 meters and 80 meters long.



Source: Member State

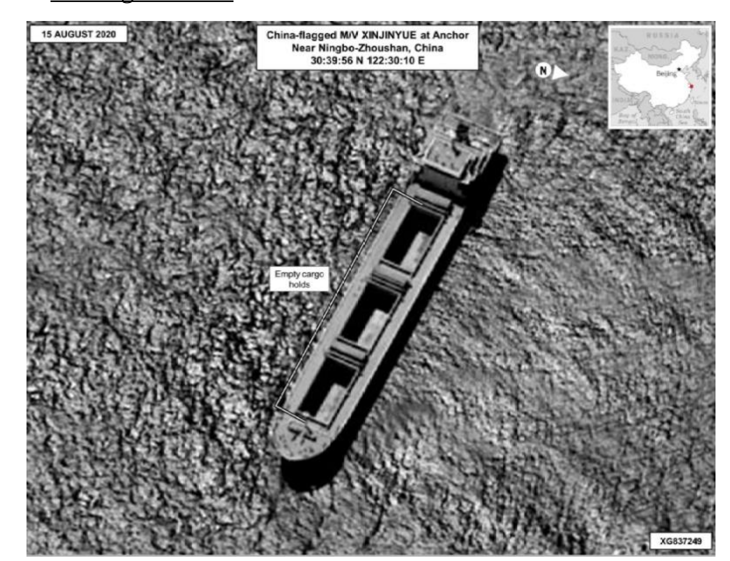
China-flagged *Xinjinyue* (MMSI: 412501560)[50] loaded DPRK-origin coal in the Ningbo-Zhoushan area and offloaded the coal at Caofeidian's coal wharf in August 2020.



XINJINYUE			TAE PYONG		
Timestamp	Latitude	Longitude	Timestamp	Latitude	Longitude
16 Aug 08:10	304836 N	1224713 E	16 Aug 08:12	304814 N	1224728 E
16 Aug 09:04	304840 N	1224713 E	16 Aug 09:00	304807 N	1224724 E
16 Aug 10:48	304814 N	1224724 E	16 Aug 10:48	304811 N	1224728 E
16 Aug 11:58	304822 N	1224720 E	16 Aug 11:51	304822 N	1224720 E
16 Aug 13:10	304832 N	1224720 E	16 Aug 13:06	304832 N	1224717 E
16 Aug 14:22	304829 N	1224731 E	16 Aug 14:15	304832 N	1224728 E
16 Aug 15:13	304825 N	1224731 E	16 Aug 15:18	304829 N	1224731 E
16 Aug 17:10	304822 N	1224731 E	16 Aug 17:09	304822 N	1224731 E
16 Aug 22:10	304832 N	1224720 E	16 Aug 22:06	304832 N	1224717 E

Source: Member State

17 August 2020





Source: Member State

[50] The *Xinjinyue* was transmitting an invalid IMO:456789900.

The Panel sought information on the said cargo-vessels, *inter alia*, concerning the ship-to-ship transfers conducted with DPRK vessels in domestic waters and on the offloaded coal cargo's origin and destination on these cargo vessels. The Panel provided relevant imagery, vessel identifiers, domestic voyage routes of the said cargo vessels and related information[51].

China replied that " According to the investigation by competent Chinese authorities, Chinese vessels "Huade16", "Shun Jin Bao" and "Xiniinyue" sailed between Chinese domestic ports during the time frame mentioned in the Panel's letters, and performed regular reporting and approval procedures. The Chinese Customs strictly examined the certificate of origins of their cargo, and no evidence of any activities violating the resolutions was found. After further examining the logbook of these vessels, the possibility of making port calls to DPRK ports during domestic voyages was also excluded. If the Panel has additional evidence, China hopes that the Panel could provide it."

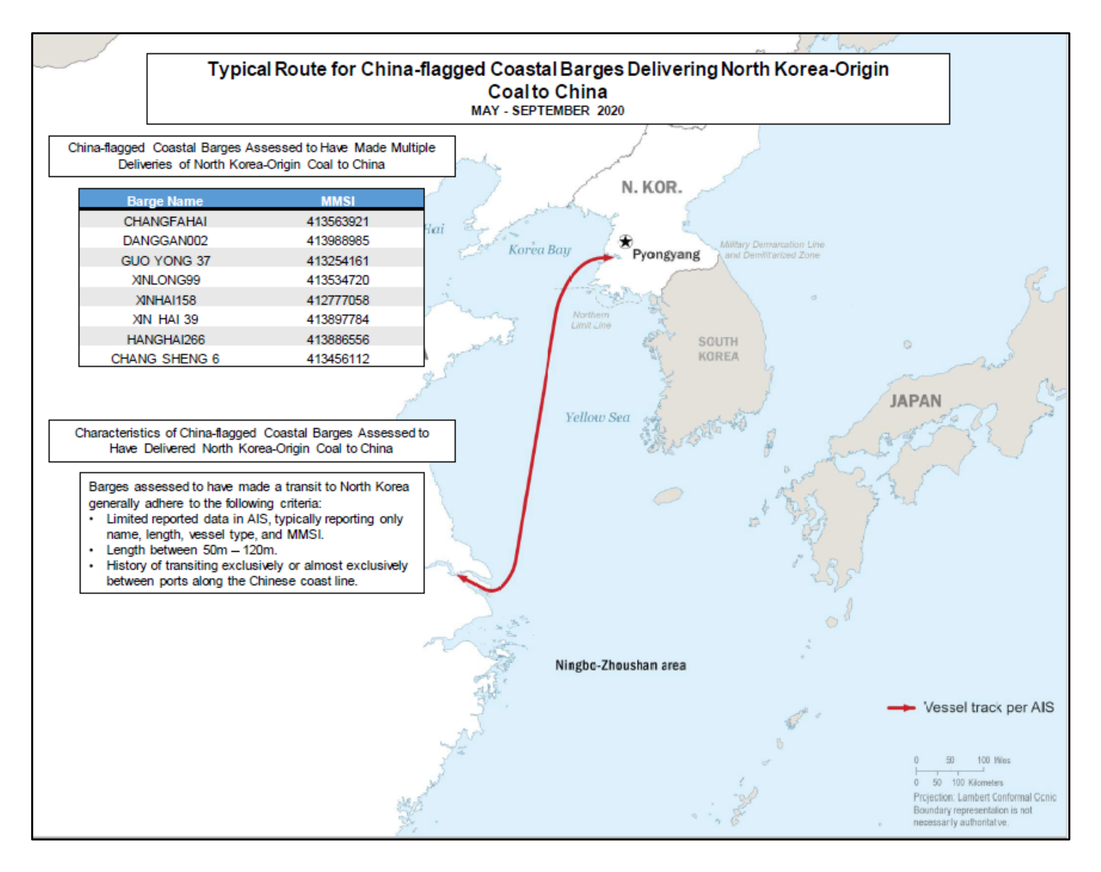
Source: The Panel

[51] The said cargo vessels were not reported to have visited the DPRK.

Annex 36: China-flagged Coastal Barges delivering DPRK-origin coal to China

Eight China-flagged coastal barges with their names and transmitted MMSIs were reported by a Member State to have conducted multiple deliveries of DPRK-origin coal to China between May and September 2020. Figure 1 shows the typical voyage route of these coastal barges:

Figure 1: Typical delivery route of China-flagged coastal barges



Source: Member State

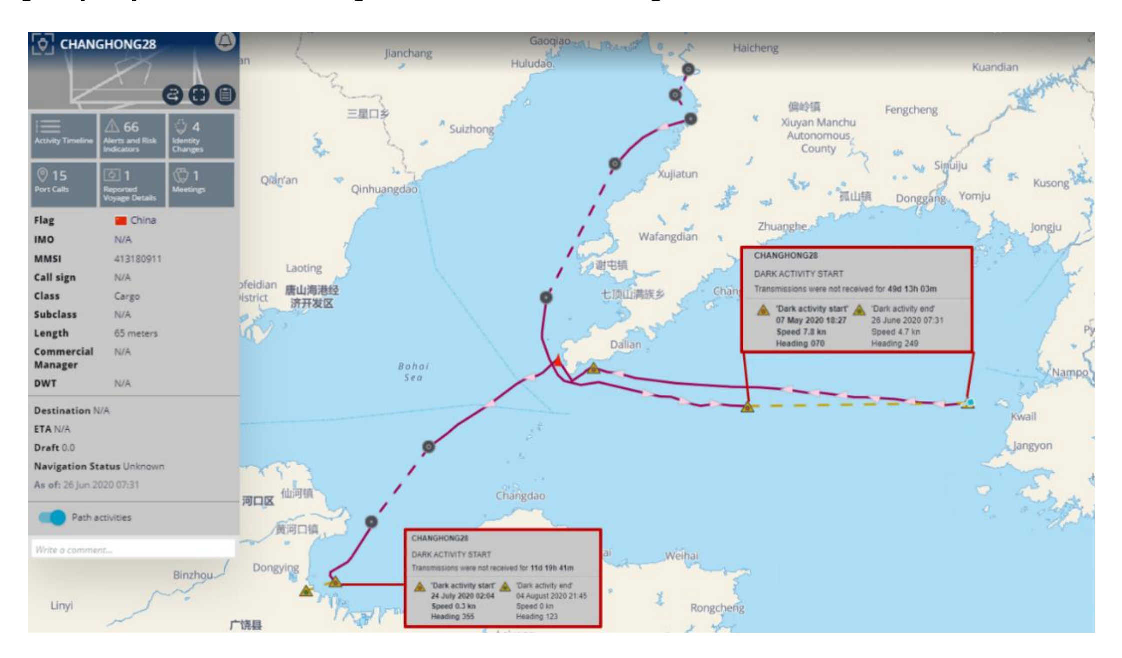
The general characteristics for the coal carrying barges included:

- limited reported data transmitted on AIS;
- barges lengths range between 50 meters and 120 meters; and
- barges have a previous history of transiting exclusively or almost exclusively between ports along the Chinese coastline.

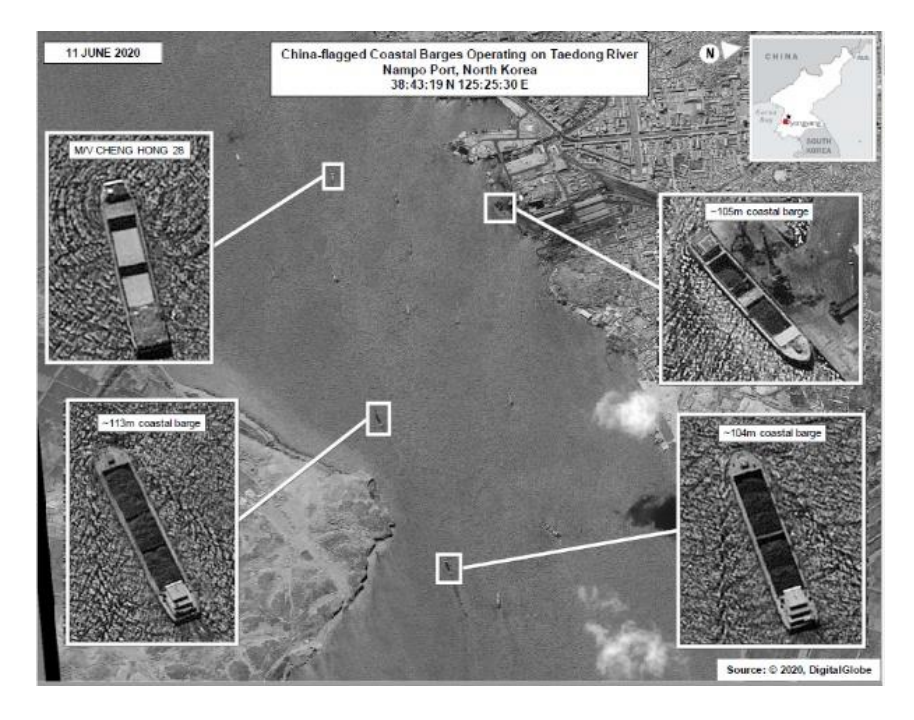
A Member State provided examples of China-flagged barges involved in such activities. The information provided was overall consistent with the Panel's research and analysis of AIS tracking information where available and as indicated in the following images from a commercial maritime database platform. The barges included the following vessels:

1. <u>*Cheng Hong 28 / Changhong28* (MMSI: 413180911)'s voyage March to August 2020</u>[52].

The *Cheng Hong 28 / Changhong28* made port calls at Yingkou and Bayuquan ports in China on 30 March and 6 May 2020 (EST) before sailing towards DPRK waters in June 2020 from its AIS transmissions. The barge arrived at Jiangjiagou by July 2020 before ceasing AIS transmission on 4 August 2020[53].



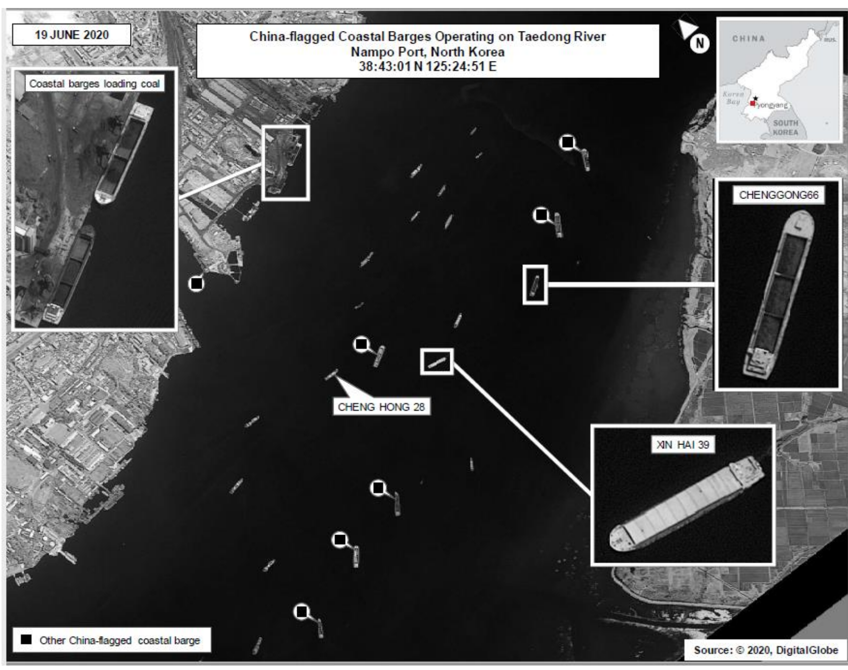
Source: Windward, annotated by the Panel[54]



Source: Member State

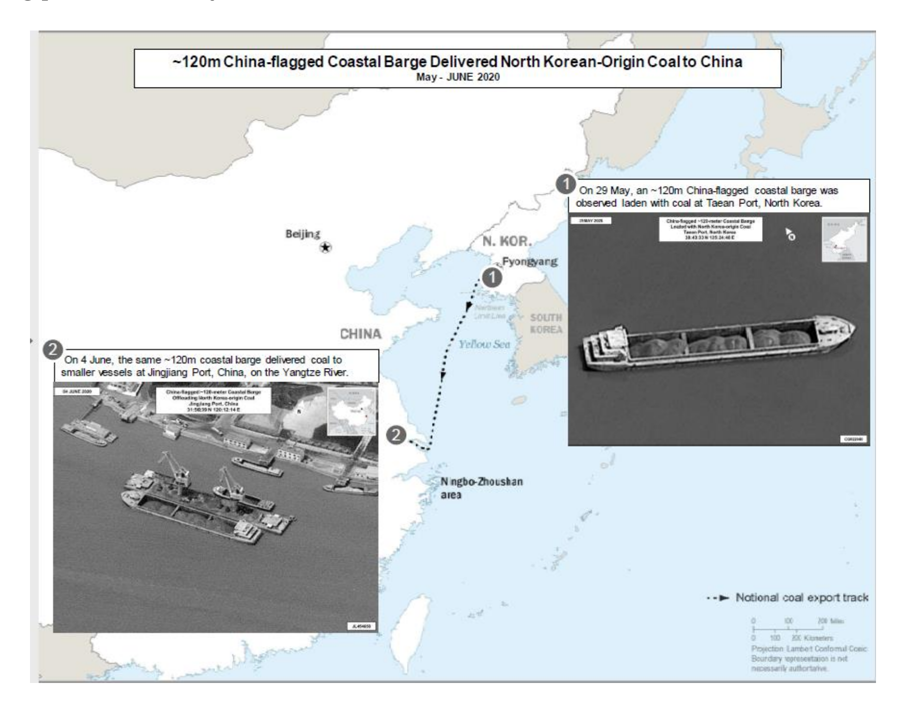
[52] All dates unless otherwise stated are recorded in Universal Time Coordinate (UTC).
[53] As on December 2020.
[54] All times and dates reflected on the Windward maritime database platform are in Eastern Standard time (EST).

2. *Chenggong 66* (MMSI: 413663365), *Xin Hai 39* (MMSI: 413897784) and two unidentified Chinese coastal barges, 19 June 2020.



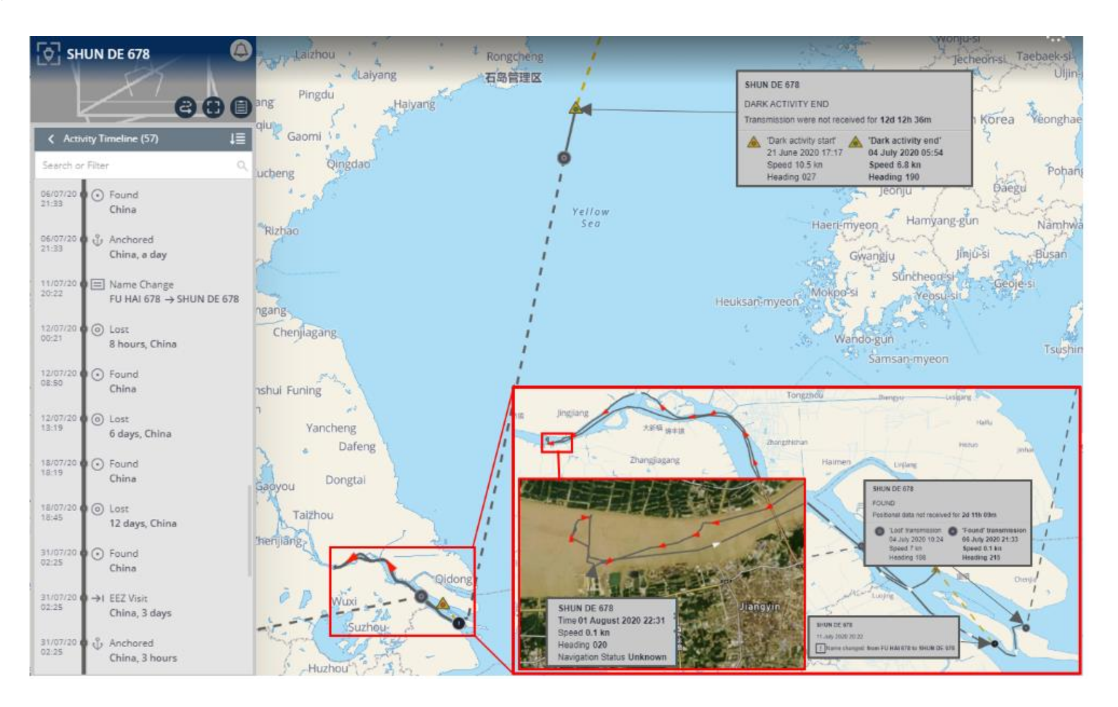
Source: Member State

3. Unidentified 120-meter Chinese coastal barge laden with coal at Taean port, DPRK, which delivered coal to smaller vessels at Jingjiang port, China, May and June 2020.



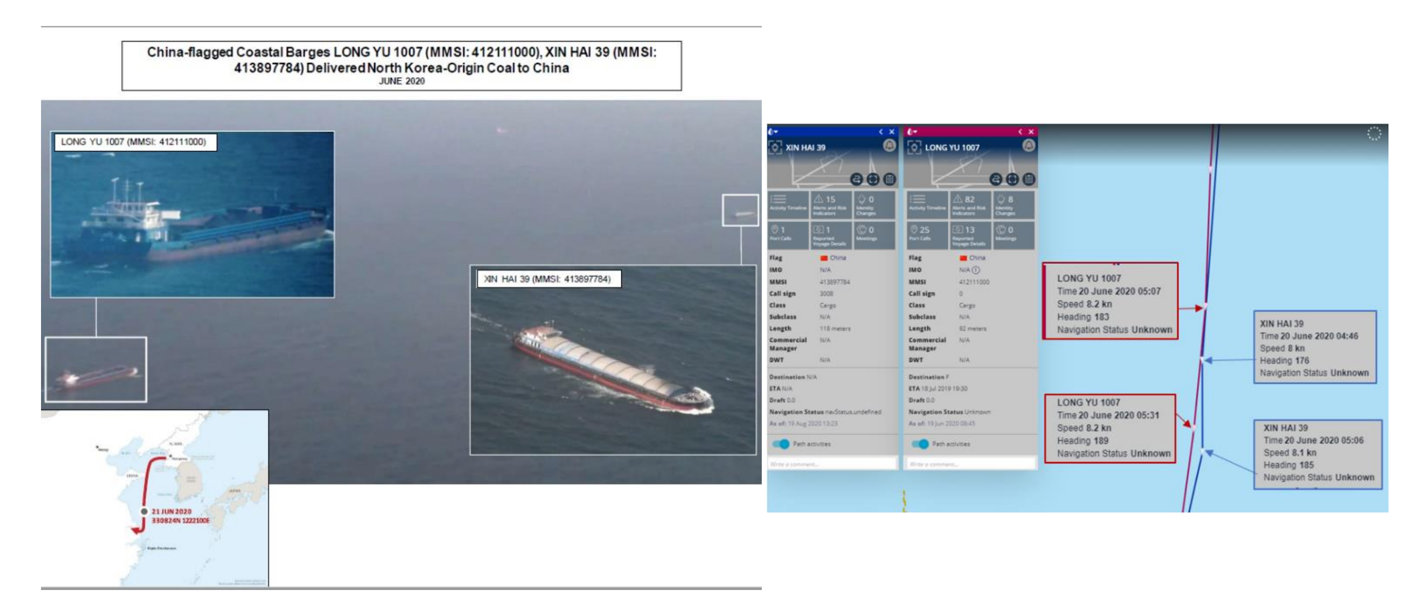
Source: Member State

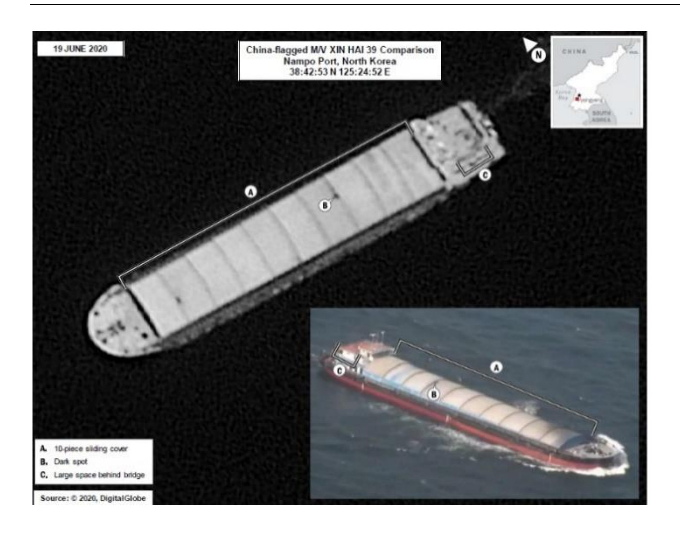
4. *Fu Hai 678* (MMSI: 413827610) departed Nanjing on 21 May 2020, sailed to the DPRK, and departed the DPRK by 8 June 2020. The vessel dropped its AIS transmission on its return journey while sailing through the Yellow Sea. Panel research on a maritime database indicates the vessel subsequently registered an AIS signal in July in the Nantong area, where the vessel changed its name to the *Shun De 678* while making its way up the river towards the port area of Jiangyin, China.

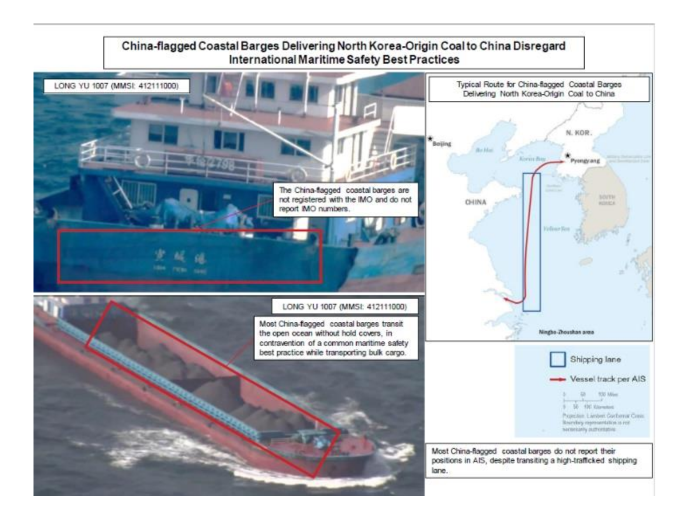


Source: Windward, annotated by the Panel

5. *Long Yu 1007* (MMSI: 412111000) and *Xin Hai 39* (MMSI: 413897784) loaded coal at a port on the Taedong River and at Nampo port respectively by 19 June 2020. Both barges departed the DPRK on 19 June and sailed through the Yellow Sea before they dropped AIS transmission in June 2020. Panel research indicates the *Long Yu 1007* subsequently re-transmitted an AIS signal in the Nantong area on or around 1 July and continued in a southern direction towards the Ningbo-Zhoushan area.

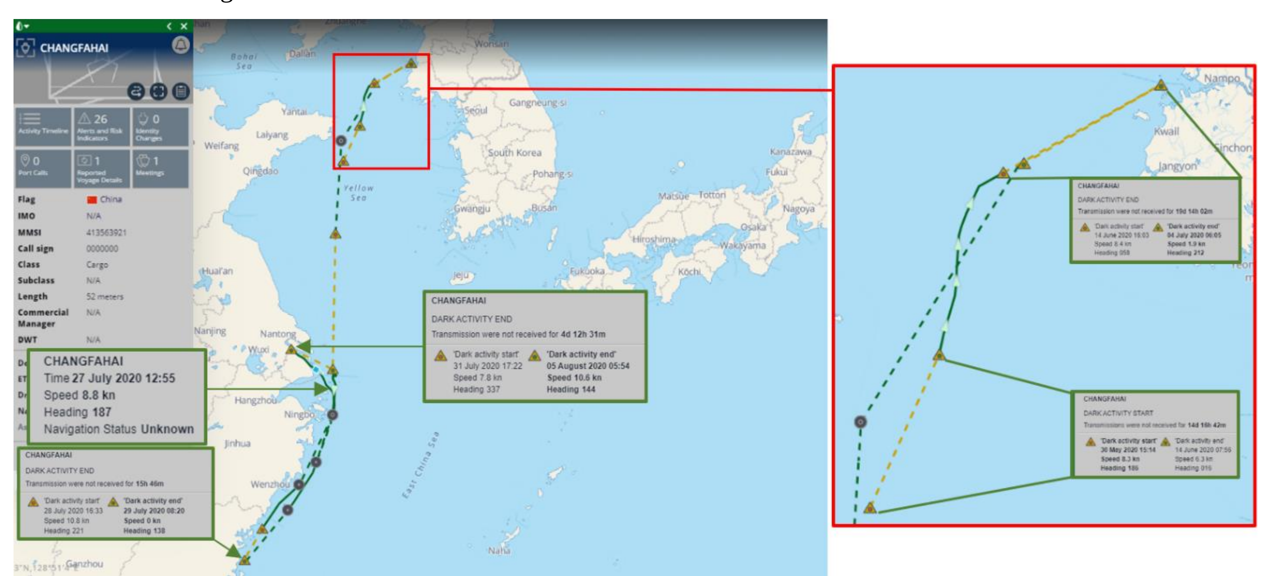






Source: Member State; Windward, annotated by the Panel

6. *Changfahai* (MMSI: 413563921) transmitted AIS in the Yellow Sea on 30 May 2020 (EST) and arrived in DPRK waters by 4 July. It departed by 24 July and its AIS signal was recorded in the Ningbo-Zhoushan area three days later before sailing south, reaching Fuzhou, China by 28 July. *Changfahai* also recorded an AIS transmission in the Nantong area where it met another Chinese cargo vessel on 5 August 2020. The barge first registered its MMSI transmission in the same Nantong area on 5 March 2020.



Source: Windward, annotated by the Panel

The Panel also shared a wider list of 65 China-flagged coastal barges (inclusive of the list of coastal barges above) that contained the ship name and associated MMSI it was transmitting, assessed by the Member State to have conducted probable coal export from the DPRK during the period between May and September 2020.

China replied that "With regard to the 65 Chinese-flagged barges mentioned by the Panel, the Chinese side could only confirm that there is no record of the vessel "Hua Yuan 0626" entering or leaving Chinese ports. For the other 64 vessels, there is no valid information found based on the provided MMSI number, or obviously unmatched vessel length information with the information in the letters of the Panel.

China attaches great importance to smuggling activities through ship-to-ship transfers involving the DPRK, and relevant Chinese authorities have made great efforts in this regard. China has repeatedly and openly

reaffirmed its its solemn position against smuggling activities through ship-to-ship transfers and its determination to combat these activities in accordance with law. This in itself is a deterrence to relevant activities.

At the same time, China has concerns on the practice of the Panel of simply transferring information provided by certain Member States without screening and verification. There are serious problems with the timeliness and accuracy of such information, based on which no meaningful investigation could be conducted. Inclusion of such information by the Panel in its report would create a wrong impression that China is not serious in implementing Security Council resolutions. China hopes that the Panel in performing its mandate, takes a more prudent and responsible attitude and leaves out information which is against the facts."

Source: The Panel

Annex 37: Unidentified China-flagged barges importing items to the DPRK

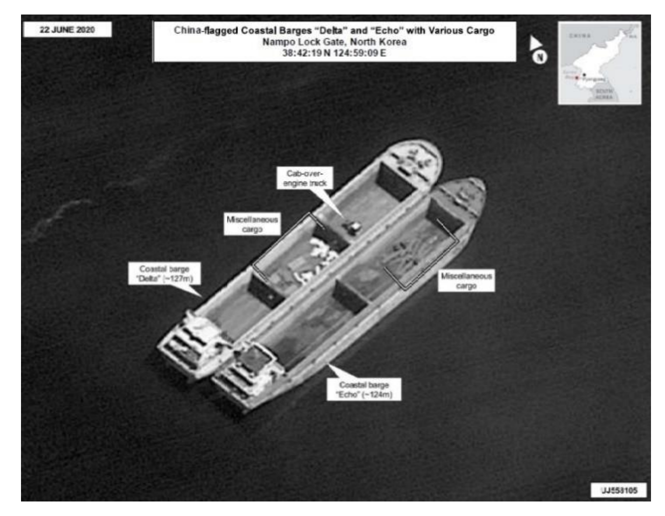
In addition to the *Cheng Hong 28* (MMSI: 413180911), a Member State provided the following information on unidentified China-flagged coastal barges importing sanctioned goods into the DPRK.

Barges "Bravo" and "Charlie"[55]: On 15 June 2020, a barge with the provided name "Bravo" was observed berthed at Nampo port's pier with two dump trucks loaded in its cargo hold. The dump trucks were subsequently observed parked on the pier by 20 June, when the coastal barge with the provided name "Charlie" was observed offloading unidentified cargo. Under paragraph 7 of resolution 2397 (2017), the supply, sale or transfer to the DPRK, directly or indirectly, of transportation vehicles (HS codes 86 through 89) are prohibited. Dump trucks are transportation vehicles identified under HS code 87.



Source: Member State

Barges "Delta" and "Echo": On 22 June 2020, a barge with the provided name "Delta" and tied to barge "Echo", was observed anchored near Nampo port loaded with one cab-over-engine truck in cargo hold one. Such trucks are transportation vehicles identified under HS code 87. "Echo" was had unidentified miscellaneous cargo in one of its holds.



Source: Member State

Barge "Foxtrot": On 4 July 2020, a barge with the provided name "Foxtrot" was observed loaded with seven vehicles: three cab-over-engine trucks with open cargo beds, one front-end loader, one excavator, one prime mover with trailer

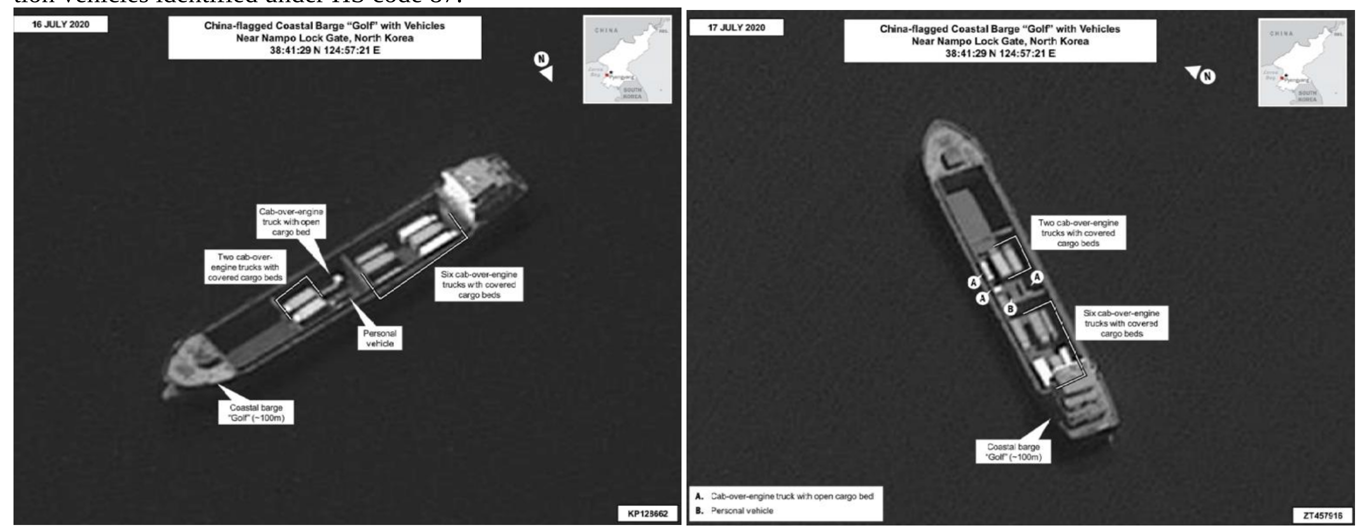
[55] Bravo, Charlie, Delta, Echo, Foxtrot and Golf are used as names to depict the unidentified China-flagged barges.

(also known as a semi-trailer), and one personal vehicle. In addition, “Foxtrot” was loaded with six storage tanks. These items were offloaded by 9 July and located on the pier in Nampo port.



Source: Member State

<u>Barge “Golf”</u>: On 16 and 17 July 2020, a barge with the provided name “Golf” was observed near Nampo Lock Gate loaded with a total of twelve vehicles split between cargo holds: eight cab-over-engine trucks, three cab-over-engine trucks with open cargo beds, and one personal vehicle. Cab-over-engine trucks and personal vehicles are transportation vehicles identified under HS code 87.



Source: Member State

China replied that it “attaches great importance to smuggling activities through ship-to-ship transfers involving the DPRK, and relevant Chinese authorities have made great efforts in this regard. China has repeatedly and openly reaffirmed its its solemn position against smuggling activities through ship-to-ship transfers and its determination to combat these activities in accordance with law. This in itself is a deterrence to relevant activities”.

Source: The Panel

Annex 38 (a): Then-Togo-flagged Enterprise (IMO: 9153331) exporting DPRK-origin coal to Ningbo-Zhoushan waters, China

Enterprise

The then Togo-flagged *Enterprise* (IMO: 9153331) recorded its last AIS transmission on 2 October 2019 (EST) outside Shidao, China, on maritime databases with a reported next destination as Incheon, Republic of Korea. A Member State confirmed the vessel departing the Shidao anchorage area by 5 October. The Republic of Korea confirmed the vessel neither ported at Incheon nor at any of its other ports thereafter. The *Enterprise* instead arrived at Nampo port by 11 October and has since, according to a Member State, conducted at least eight coal deliveries, including seven to the Ningbo-Zhoushan area and one to Lianyungang, China[56] (see figure 1). The *Enterprise* exhibited a similar pattern to the *Tae Pyong* where the latter departed a Chinese port in late December 2019, reported a destination to 'Order' before dropping AIS signal, and appeared at Nampo a week later. The vessel proceeded to conduct multiple exports of coal within Chinese waters in 2020. The *Tae Pyong* was subsequently reported as DPRK-flagged.

About four months prior to the *Enterprise*'s arrival at Nampo, the vessel's ownership and management was transferred to entities with listed addresses in China. Tai Yuan Shipping Co Ltd (hereafter "Taiyuan Shipping") is listed as the group owner of the *Enterprise* since June 2019, with Blue Sky Shipping Co Ltd (hereafter "Blue Sky") as the vessel's registered owner and Dalian Taiyuan International Shipping Agency Co Ltd (hereafter "Dalian Taiyuan") as the ves-sel's operator and manager[57]. The Panel wrote to Togo, China and Chinese entities that own and / or managed the vessel.

Togo provided the Panel in January 2021 a suspension notification of the *Enterprise*. The said notification notifies all parties "… that the below mentioned certificates of the vessel "ENTERPRISE" (IMO: 9153331) have been suspended as of 20th day of June 2020 until further notice" (see figure 2).

China replied that there was no record of the *Enterprise* entering or leaving Chinese ports.

Figure 1: The *Enterprise* in Nampo and Ningbo-Zhoushan waters in May/June 2020



Source: Member State

[56] Information until October 2020.
[57] IMO. The listed fax numbers of the Chinese entities had error returns.

Figure 2: Suspension notification of the *Enterprise* issued by the Togolese Maritime Authority

REPUBLIQUE TOGOLAISE
TRAVAIL – LIBERTE – PATRIE



TOGOLESE MARITIME AUTHORITY
INTERNATIONAL SHIP REGISTRY

Our Ref. : 0091NOS/TG/01/21

NOTIFICATION OF SUSPENSION OF REGISTRY

SHIP NAME	:	**ENTERPRISE ex BLUE SKY**
OFFICIAL NUMBER	:	**TG-01241L**
PORT OF REGISTRY	:	**LOME**
CALL SIGN	:	**5 V F X 6**
IMO NUMBER	:	**9153331**
SHIP TYPE	:	**GENERAL CARGO**
GRT/NRT	:	**4743/2763**
REGISTERED OWNER	:	**BLUE SKY SHIPPING CO LTD (100%)**

Dear Sirs,

This is to notify all concerned parties that the below mentioned certificates of the vessel "ENTERPRISE" (IMO: 9153331) have been suspended as of 20th day of June 2020 until further notice.

Registry certificates are considered suspended as owners did not fulfill their obligations toward the Togo Maritime Administration since June 2020 and consequently no any certificate issued by our Administration for the vessel since 20th day of June 2020.

Therefore, following certificates issued by our Administration for the vessel "ENTERPRISE" (IMO: 9153331) have been suspended until further notice.

- **Permanent certificate of registry with reference No.TG/PR/139-38512/937**
- **Radio License with reference no. TG/PL/139-38512/2135**
- **Minimum safe manning with reference No.TG/PM/139-38512/2035**

In light of the above, all certificates on board including the statutory certificates issued on behalf of Togo flag are considered invalid.

As well, this notification CAN NOT be used in substitution for Deletion Certificate for which owners should apply to receive same from our Administration.

Please be guided accordingly.

Issued at Beirut, Lebanon on 29th day of January 2021

For the International Ship Registry of Togo

[redacted]

TOGOLESE REPUBLIC ★ INTERNATIONAL SHIP REGISTRY

Tel/Fax Number: +961-1-883794
E – Mail: administration@togoregistrar.com

Source: Member State

Source: The Panel

Annex 38 (b): Unknown flagged *Ri Hong* (aka *Klausen*) (IMO: 9162318) exporting DPRK-origin coal to Ningbo-Zhoushan waters, China

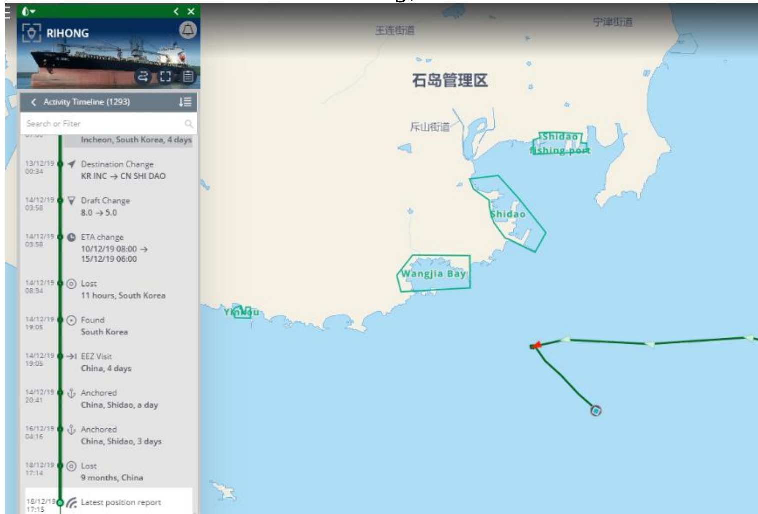
Ri Hong (aka *Klausen*) (IMO: 9162318)

The Panel reported on the *Ri Hong* sailing as flag unknown when the vessel was reported by a Member State to have exported DPRK-origin coal to waters in Ningbo-Zhoushan, China in April 2020[58]. The vessel was last recorded transmitting near Shidao, China on or around 18 December 2019 (EST) before it stopped transmission (see figure 1). The vessel was recorded on satellite imagery less than a week later at Songnim port, DPRK (see figure 2).

The Panel wrote to China and sought its assistance for information on the vessel as it last appeared near the Shidao port area, its export of DPRK-origin coal to the Ningbo-Zhoushan area, and on the *Ri Hong's* last known Chinese owner and operator before the vessel appeared in the DPRK. China replied "The DPRK-flagged vessel "Ri Hong" entered the sea area near Weihai from Inchon, ROK without entering ports, and left the sea area for an unknown destination."

The Panel notes that commercial maritime tracking databases show the *Ri Hong*, then Panama-flagged, called at Incheon port on and around 10 to 14 December 2019 (EST) prior to its arrival at Shidao on or around 14 December 2019 (EST). Panama confirmed it de-registered the *Ri Hong* on 20 December 2019[59].

Figure 1: Last recorded AIS transmission of the *Ri Hong*, December 2019



Source: Windward, annotated by the Panel

[58] Paragraphs 57 to 59, S/2020/840.
[59] Ibid.

Figure 2: *Ri Hong* at Songim port, DPRK, 23 December 2019



Source: Member State

In May 2020, the *Ri Hong* was captured on satellite imagery near Nampo Lock Gate, DPRK, and then in Ningbo-Zhoushan waters June 2020 (figure 3). The vessel was back loading coal at Nampo port in July 2020 (see figure 4).

Figure 3: Satellite imagery of the *Ri Hong* exporting DPRK-origin coal, May / June 2020

Source: Member State



Figure 4: Satellite imagery of the *Ri Hong* at Nampo, 4 July 2020



Source: Member State

The Panel notes that there has been no record on commercial maritime databases of any AIS transmission by the vessel sailing under the name of *Klausen* since December 2019 in spite of its reported flag and name change[60] and in spite of satellite imagery showing the vessel continuing to sail and conduct maritime trade. The Sierra Leone Maritime Administration confirmed the *Klausen's* de-registration on 17 November 2020 with the reason of the vessel's expiration of its issued provisional registration certificate. A Member State has assessed the *Ri Hong* as acquired by the DPRK though it remains unclear if the vessel is officially flagged under its fleet.

Updated information lists Converse Trading Limited, a Hong Kong-registered entity as the registered owner, operator and manager of the *Klausen* since May 2020. The company has no listed telephone, fax or email contact details. The Panel continues to await a response from the previous Chinese registered owner and operator of the *Ri Hong* of the vessel's status, activities, cargo and onward sale.

Source: The Panel

[60] As of December 2020.

Annex 39: Companies involved in the export of DPRK-origin coal

XinXin Green Work Research & Development Co. Ltd

The Panel investigated the Democratic People's Republic of Korea's illegal export from at least 2019 of coal using barges, based on information from a Member State. In July 2020, XinXin Green Work Research & Development Co. Ltd in Liaoning Province, China, imported 11,000 metric tons of DPRK-origin coal, using a vessel named Shu Shan 168. According to the Member State, the designated Munitions Industry Department (KPe.028) was directly involved in this transaction and benefited from it. XinXin Green has yet to reply to the Panel's inquiry.

Taizhou Yifeng Transportation Co. Ltd.

Based on information from a Member State, Taizhou Yifeng Transportation Co. Ltd. was involved in the Democratic People's Republic of Korea's illegal export of coal using barges. According to information from a Member State, the Panel requested information from Taizhou Yifeng Transportation Co. Ltd. on whether the company worked together with Mulgil Trading Corporation of the Democratic People's Republic of Korea to import coal into China using a barge *Yi Feng 1* (Vessel ID number: CN20089481469, Vessel Registry number: 2008K2191995) between 2019 and 2020. Taizhou Yifeng has yet to reply to the Panel's enquiry.

Source: Member State

Annex 40: List of HS Codes the Panel applies for the monitoring of sectoral ban

Below is the list of HS codes assigned for each category of goods under sectoral ban by relevant UN Security Council resolutions. This list superseds S/2018/171 annex 4 as amended by S/2018/171/Corr.1. See https://www.un.org/securitycouncil/sanctions/1718/prohibited-items for the complete list of prohibited goods and Implement Assistance Notes.

a. Items prohibited from being exported to the DPRK

Item	HS Codes	Description	Resolutions
Conden-sates and natural gas liquids	**2709**	Oils; petroleum oils and oils obtained from bituminous minerals	Para. 13 of res. 2375 (2017)
	2711	Petroleum gases and other gaseous hydrocrabons	
Industrial machinery	**84**	Nuclear reactors, boilers, machinery and mechanical ap-pliances; parts thereof	Para. 7 of res. 2397 (2017)
	85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers; television image and sound recorders and reproducers, parts and accessories of such articles	
Transpor-tation vehicles [61]	**86**	Railway, tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-me-chanical) traffic signaling equipment of all kinds	Para. 7 of res. 2397 (2017)
	87	Vehicles; other than railway or tramway rolling stock, and parts and accessories thereof	
	88	Aircraft, spacecraft and parts thereof [62]	
	89	Ships, boats and floating structures	
Iron, steel and other metals	**Chapters 72-83**		Para. 7 of res. 2397 (2017)
	72	Iron and steel	
	73	Articles of iron or steel	
	74	Copper and articles thereof	
	75	Nickel and articles thereof	
	76	Aluminum and articles thereof	
	77	Reserved for possible future use	
	78	Lead and articles thereof	
	79	Zinc and articles thereof	
	80	Tin and articles thereof	
	81	Other base metals; cermets; articles thereof	
	82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal	
	83	Miscellaneous articles of base metal	

[61] Pursuant to paragraph 30 of resolution 2321 (2016) and paragraph 14 of resolution 2397 (2017), States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of new helicopters, new and used vessels, except as approved in advance by the Committee on a case-by-case basis.

[62] Shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

b. Items prohibited from being imported from the DPRK

Item	HS Codes	Description	Resolutions
Coal	**2701**	Coal; briquettes, ovoids and similar solid fuels manufactured from coal	Para. 8 of resolution 2371 (2017)
Iron Ore	**2601**	Iron ores and concentrates, including roasted iron pyrites	
Iron	**Chapter 72**	Iron and steel products (**7201-7229**)	
Iron and Steel products	**Chapter 73**	Iron and steel products (**7301-7326)**	
Gold	**261690**	Gold ores and concentrates	Para. 30 of resolution 2270 (2016)
	7108	Gold (incl. put plated), unwrought, semi-manufactured forms or powder	
	710811	Gold Powder, Unwrought	
	710812	Gold in Other Unwrought Forms	
	710813	Gold in Other Semi-manufactured Forms	
	710820	Monetary Gold	
Titanium	**2614**	Titanium ores and concentrates	
Vanadium	**2615**	Vanadium ores and concentrates	
Rare Earth Minerals	**2612**	Uranium or thorium ores and concentrates [**261210** and **261220**]	
	2617	Ores and concentrates, [Nesoi code **261790** - Other Ores and Concentrates]	
	2805	Alkali metals etc., rare-earth metals etc., mercury	
	2844	Radioactive chemical elements & isotopes etc.	
Copper	**Chapter 74**	Copper and articles thereof (**7401-7419**)	Para. 28 of resolution 2321 (2016)
	2603	Copper ores and concentrates	
Zinc	**Chapter 79**	Zinc and articles thereof (**7901-7907**)	
	2608	Zinc ores and concentrates	
Nickel	**Chapter 75**	Nickel and articles thereof (**7501-7508)**	
	2604	Nickel ores and concentrates	
Silver	**2616100** **7106, 7107**	Silver ores and concentrates Silver unwrought or semi manufactured forms, or in powdered forms; base metals clad with silver, not further worked than semi-manufactured	
	7114	Articles of goldsmiths or silversmiths' wares or parts thereof, of silver, whether or not plated or clad with other precious metal	
Seafood (incl fish, crustaceans, mollusks, and other aquatic invertebrates in all forms)	**Chapter 3**	Fish and Crustaceans, Molluscs and other Aquatic Invertebrates (**0301-0308)**	Para. 9 of resolution 2371 (2017)
	1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates)	
	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	
	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	
Lead	**Chapter 78**	Lead and articles thereof (**7801-7806**)	Para. 10 of resolution 2371 (2017)
Lead ore	**2607**	Lead ores and concentrates	

Textiles (including but not limited to fabrics and partially or fully completed apparel products)	**Chapters 50-63**		Para. 16 of resolution 2375 (2017)
	50	Silk, including yarns and woven fabrics thereof	
	51	Wool And Fine Or Coarse Animal Hair, Including Yarns And Woven Fabrics Thereof; Horsehair Yarn And Woven Fabric	
	52	Cotton, Including Yarns And Woven Fabrics Thereof	
	53	Vegetable Textile Fibers Nesoi; Yarns And Woven Fabrics Of Vegetable Textile Fibers Nesoi And Paper	
	54	Manmade Filaments, Including Yarns And Woven Fabrics Thereof	
	55	Manmade Staple Fibers, Including Yarns And Woven Fabrics Thereof	
	56	Wadding, Felt And Nonwovens; Special Yarns; Twine, Cordage, Ropes And Cables And Articles Thereof	
	57	Carpets And Other Textile Floor Covering	
	58	Fabrics; special woven fabrics, tufted textile fabrics, lace, tapestries, trimmings, embroidery	
	59	Textile fabrics; impregnated, coated, covered or laminated; textile articles of a kind suitable for industrial use;	
	61	Apparel and clothing accessories; knitted or crocheted;	
	62	Apparel and clothing accessories; *not* knitted or crocheted;	
	63	Textiles, made up articles; sets; worn clothing and worn textile articles; rags	
Agricultural products	**07**	Vegetables and certain roots and tubers; edible	Para. 6 of resolution 2397 (2017)
	08	Fruit and nuts, edible; peel of citrus fruit or melons	
	12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit, industrial or medicinal plants; straw and fodder	
Machinery	**84**	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof	Para. 6 of resolution 2397 (2017)
Electrical equipment	**85**	Electrical machinery and equipment and parts thereof; sound recorders and reproducers; television image and sound recorders and reproducers, parts and accessories of such articles	
Earth and stone including magnesite and magnesia	**25**	Salt; sulphur; earths, stone; plastering materials, lime and cement	
Wood	**44**	Wood and articles of wood; wood charcoal	
Vessels	**89**	Ships, boats and floating structures	

c. For paragraphs 4 and 5 of resolution 2397 (2017), the Panel uses the following HS codes. The Panel notes that annual caps are placed for the two items below.

- HS 2709 : crude oil [cap: 4 million barrels or 525,000 tons]
- HS 2710, HS 2712 and HS 2713 : refined petroleum products [cap: 500,000 barrels]

Annex 41: Recorded trade between the DPRK and some Member States

1. Methodology

The Panel monitors prohibited exports and imports by the Democratic People's Republic of Korea pursuant to paragraph 30 of resolution 2270 (2106), paragraphs 26 and 28 of resolution 2321 (2016), paragraphs 8, 9 and 10 of resolution 2371 (2017), paragraphs 13, 14 and 15 of resolution 2375 (2017) and paragraphs 4, 5, 6 and 7 of resolution 2397 (2017).

The Panel analysed Member States' trade data as reported by them to international trade statistics database such as the International Trade Centre (ITC) or Global Trade Atlas (GTA) to apply a uniform standard to all Member States. Where available statistics indicate trade in prohibited items, the Panel request Member States to provide additional information for verification, preferably with relevant original documents which can substantiate its explanation. The Panel notes that the DPRK does not release statistics on its external trade and only mirror statistics are available on DPRK exports and imports. This analysis does not include any exports and imports of prohibited items by the DPRK that were undetected or unreported by Member States.

The list of HS codes the Panel used for its analyses are included in annex 40 of this report.[63] The Panel reiterates that its enquiry is based on the WCO recommended list (see S/2017/150 para. 257, S/2018/171 annex 4 as amended by S/2018/171/Corr.1). The Panel further notes that, while discrepancy may exist between the practice of certain Member States and the Panel in this regard, absence of reference to a specific HS code within relevant UNSCRs should not be construed in a way that makes the relevant provision unimplementable or practically ineffective by excluding certain subcategories of a prohibited item without reasonable grounds.

The Panel's analysis in this report primarily covers the period between April and September 2020. In 2020, however, the Panel observed that many Member States were unable to share their trade statistics in a timely manner. Therefore, this report also contains the Panel's analyses on the recorded trades of certain Member States which took place before April 2020. Furthermore, sometimes the Panel obtain hitherto unreported trade data newly made available to the international trade statistics database. In such cases, the Panel requested the Member State in question to provide clarifications on possible trade with the DPRK based on the new information.

2. Update on the Panel's past inquiries in 2020 final report (S/2020/151, annex 19)

Costa Rica replied to the Panel's inquiry on its recorded trade with the DPRK between April 2018 and September 2019, and provided full documentation which show that the recorded trade the Panel inquired was not conducted with the DPRK.

Indonesia replied to the Panel's inquiry on its recorded trade with the DPRK between April 2018 and September 2019. Indonesia stated that it "would like to reiterate that any information between Indonesia and its trade partners should be based on the information issued by our relevant authorities." Indonesia also stated that "There were imports of articles under HS 73, HS 74, HS 79 and HS 54 from DPRK by Indonesia during the questioned period. However, UNSCR 2371, 2321 and 2375 does not prohibits[*sic*] the procurement of the specific abovementioned HS codes. Thus, the imports of HS 73, HS 74, HS 79 and HS 54 from DPRK during the specified period should not be considered as incompliance against the referred UNSCR. The Government of the Republic of Indonesia are still conducting internal investigation with regard to the request related to HS 84 and HS 85, and will provide more information in due course." [64]

[63] For implementation of paragraph 5 of resolution 2397 (2017), see paras. 27 – 53 of this report. For implementation of luxury goods ban, see paras. 110 – 122.

[64] On the HS codes and the methodology the Panel uses for the monitoring purpose, see section 1 of this Annex.

3. Update on the Panel's past enquiries in 2020 midterm report (S/2020/840, annex 29)

Germany replied to the Panel's enquiry on its recorded exports of items under HS code 84 worth of 10,000 USD consisted of two categories of items. First, 41 fire extinguishers for the German Embassy in Pyongyang, which "are exempted from applicable sanctions provisions." Second, a "small medical centrifuge with a declared value of EUR 870 was exported, with the recipient being a hospital in Pyongyang." As for the second item, Germany stated that it has "brought this to the attention of the competent export control authorities with a view to ensuring strict compliance with applicable sanctions provisions."

4. Results of the Panel's latest enquiries for this report

Below is the result of the Panel's analyses of Member States' recorded trade with the DPRK. Each Member State may have a different covering period based on the availability of trade statistics. The most recent data the Panel used was September 2020.

The Panel reiterates that this is not a complete list of countries that traded with the DPRK during the said period, and the Panel is preparing further inquiries concerning other Member States as full trade data for this period becomes available.

Austria: Austria replied that its November 2019 exports of items under HS Code 84 to the DPRK worth of USD 26,000 appeared to be linked to the supply of spare parts of an item licensed prior to the adoption of the relevant resolution. The Panel notes that paragraph 7 of Resolution 2397 (2017) has not stipulated any transition period.

Bolivia: The Panel has yet to receive a reply.

[Imports]

Iron and iron ore [65]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
February 2020	Bolivia	DPRK	72-73	147,000

Source: Global Trade Atlas

Machinery [66]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2019	Bolivia	DPRK	84	63,000
July 2020	Bolivia	DPRK	84	19,000

Source: Global Trade Atlas

Electrical equipment [67]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Bolivia	DPRK	85	13,000
August 2020	Bolivia	DPRK	85	14,000

Source: Global Trade Atlas

Brazil: To the Panel's enquiry into the recorded imports and exports of machinery with the DPRK between April and September 2020, Brazil replied with detailed explanation from the Brazilian Internal Revenue

[65] **Applicable resolution:** Resolution 2371 (2017), paragraph 8.
[66] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[67] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

Service that “the reference to alleged commercial transactions with [the DPRK] results from human error committed by importers or exporters when completing the corresponding customs declaration”, and further informed the Panel the measures it has taken since 2018 to improve implementation of relevant resolutions.

Burkina Faso: The Panel has yet to receive a reply.

[Imports]

Machinery [68]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
December 2019	Burkina Faso	DPRK	84	152,000

Source: ITC Trade Map

China: The Panel enquired China of recorded imports of iron and steel products (HS 72-73) worth of 9,549,000 USD from the DPRK, and export of machinery (HS 84) worth of 52,000 USD to the DPRK for the period between April and September 2020.

China replied that “In 2020, the DPRK commodities exports to China under HS Code 72 and 73 were steel ingot, steel billet, ferrosilicon, etc., which are not prohibited by the Security Council resolutions. Regarding DPRK commodities imports from China under HS Code 84 and 85 in 2020, one batch were goods for diplomatic use, and the other batch were aid from a Swiss humanitarian agency to the DPRK, which had been exempted by the 1718 committee. The transfer of the two batches of commodities was in full conformity with the requirements of the Security Council resolutions.” [69]

[Imports]

Iron [70]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	China	DPRK	72, 73	79,000
June 2020	China	DPRK	72, 73	1,224,000
July 2020	China	DPRK	72, 73	4,078,000
August 2020	China	DPRK	72, 73	2,859,000
September 2020	China	DPRK	72, 73	1,309,000

Source: ITC Trade Map, Global Trade Atlas

[Exports]

Industrial machinery [71]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
May 2020	China	DPRK	84	1,000
			85	32,000
September 2020	China	DPRK	84, 85	19,000

Source: ITC Trade Map, Global Trade Atlas

Colombia: The Panel received two replies from Colombia for two inquiries into the recorded trade with the DPRK between October 2019 and September 2020. In two diplomatic notes, Colombia provided full

[68] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[69] On the HS codes and the methodology the Panel uses for the monitoring purpose, see section 1 of this Annex .

[70] **Applicable resolution:** resolution 2371 (2017), paragraph 8.

[71] **Applicable resolution:** resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

explanation on its customs clearance risk management system and its own enquiries to confirm whether it had exported and imported prohibited goods to/from the DPRK.

While the Panel could not independently conclude absence of prohibited trade with the DPRK as original documents were not provided, the Panel notes Colombia's efforts to implement relevant resolutions and assesses that at least a part of past trade records with the DPRK were erroneous.

El Salvador: The Panel has yet to receive a reply.

[Imports]

Machinery [72]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
July 2020	El Salvador	DPRK	84	116,000

Source: Global Trade Atlas

Ethiopia: The Panel has yet to receive a reply.

[Imports]

Copper [73]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
January 2017	Ethiopia	DPRK	74, 2603	31,000
February 2019	Ethiopia	DPRK	74, 2603	39,000

Source: Global Trade Atlas

Zinc [74]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
June 2020	Ethiopia	DPRK	79, 2608	100,000

Source: Global Trade Atlas

Textiles [75]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
July 2019	Ethiopia	DPRK	50-63	10,000

Source: Global Trade Atlas

Machinery [76]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2018	Ethiopia	DPRK	84	36,000
February 2019	Ethiopia	DPRK	84	55,000
April 2019	Ethiopia	DPRK	84	24,000
June 2019	Ethiopia	DPRK	84	55,000
September 2019	Ethiopia	DPRK	84	86,000
October 2019	Ethiopia	DPRK	84	80,000

[72] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[73] **Applicable resolution:** Resolution 2321 (2016), paragraph 28.
[74] **Applicable resolution:** Resolution 2321 (2016), paragraph 28.
[75] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[76] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

December 2019	Ethiopia	DPRK	84	31,000
April 2020	Ethiopia	DPRK	84	30,000
August 2020	Ethiopia	DPRK	84	133,000

Source: Global Trade Atlas

Electrical equipment [77]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
December 2018	Ethiopia	DPRK	85	15,000

Source: Global Trade Atlas

[Exports]

Industrial machinery [78]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
May 2019	Ethiopia	DPRK	84, 85	10,000

Source: Global Trade Atlas

Eswatini: The Panel enquired Eswatini of its recorded import of textiles from the DPRK worth of 14,000 USD in March 2020. Eswatini responded that it will transmit the requested information

Fiji: Fiji acknowledged the receipt of the Panel's enquiry.

[Imports]

Iron [79]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2017	Fiji	DPRK	72	42,000
October 2017	Fiji	DPRK	72	28,000
May 2018	Fiji	DPRK	72	80,000
June 2018	Fiji	DPRK	72	109,000
July 2018	Fiji	DPRK	72	93,000
September 2018	Fiji	DPRK	72	158,000
October 2018	Fiji	DPRK	72	141,000
December 2018	Fiji	DPRK	72	493,000
January 2019	Fiji	DPRK	72	28,000
March 2019	Fiji	DPRK	72	191,000
April 2019	Fiji	DPRK	72	15,000
May 2019	Fiji	DPRK	72	226,000
June 2019	Fiji	DPRK	72	181,000
August 2019	Fiji	DPRK	72	56,000
September 2019	Fiji	DPRK	72	43,000
October 2019	Fiji	DPRK	72	80,000
November 2019	Fiji	DPRK	72	165,000
December 2019	Fiji	DPRK	72	119,000

[77] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[78] **Applicable resolution:** Resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

[79] **Applicable resolution:** Resolution 2371 (2017), paragraph 9.

January 2020	Fiji	DPRK	72	125,000
February 2020	Fiji	DPRK	72	308,000

Source: ITC Trade Map

Textiles [80]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
November 2018	Fiji	DPRK	55	15,000
January 2019	Fiji	DPRK	55	43,000
February 2019	Fiji	DPRK	55	99,000
March 2019	Fiji	DPRK	55	28,000
April 2019	Fiji	DPRK	55	49,000
May 2019	Fiji	DPRK	55	38,000
June 2019	Fiji	DPRK	55	144,000
July 2019	Fiji	DPRK	55	90,000
August 2019	Fiji	DPRK	55	74,000
October 2019	Fiji	DPRK	55	142,000

Source: ITC Trade Map

Machinery [81]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2018	Fiji	DPRK	84	32,000
May 2018	Fiji	DPRK	84	192,000
June 2018	Fiji	DPRK	84	21,000
November 2018	Fiji	DPRK	84	13,000
February 2019	Fiji	DPRK	84	18,000
April 2019	Fiji	DPRK	84	10,000
February 2019	Fiji	DPRK	84	13,000

Source: ITC Trade Map

Electrical equipment [82]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
October 2019	Fiji	DPRK	85	26,000

Source: ITC Trade Map

Vessels [83]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
November 2019	Fiji	DPRK	89	3,367,000

Source: ITC Trade Map

[Exports]

Industrial machinery [84]

[80] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[81] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[82] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[83] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[84] **Applicable resolution:** Resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
August 2019	Fiji	DPRK	84	41,000

Source: ITC Trade Map

Metals [85]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2018	Fiji	DPRK	72	54,000
May 2018	Fiji	DPRK	72	64,000
June 2018	Fiji	DPRK	72	64,000
July 2018	Fiji	DPRK	72	25,000

Source: ITC Trade Map

Germany: The Panel has yet to receive a reply.

[Imports]

Textiles[86]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
January 2020	Germany	DPRK	61	13,000
February 2020	Germany	DPRK	61	15,000
March 2020	Germany	DPRK	61	39,000
April 2020	Germany	DPRK	61	19,000
June 2020	Germany	DPRK	61	62,000
September 2020	Germany	DPRK	61	37,000

Source: ITC Trade Map

Ghana: The Panel received one reply for two inquiries to Ghana. In its first reply, Ghana shared the result of its own enquiry which sufficiently showed the absence of prohibited trade with the DPRK. The Panel has yet to receive a reply for its second inquiry.

[Imports]

Iron and iron ore [87]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Ghana	DPRK	72-73	43,000

Source: Global Trade Atlas

Seafood [88]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
May 2020	Ghana	DPRK	03, 1603-1605	158,000

Source: Global Trade Atlas

[85] **Applicable resolution:** Resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

[86] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.

[87] **Applicable resolution:** Resolution 2371 (2017), paragraph 8.

[88] **Applicable resolution:** Resolution 2371 (2017), paragraph 9.

Textiles [89]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
May 2020	Ghana	DPRK	50-63	17,000

Source: Global Trade Atlas

Machinery [90]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Ghana	DPRK	84	12,000
May 2020	Ghana	DPRK	84	34,000

Source: Global Trade Atlas

Earth and stone [91]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Ghana	DPRK	25	1,519,000

Source: Global Trade Atlas

Guyana: The Panel has yet to receive a reply.

Iron [92]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
December 2018	Guyana	DPRK	73	17,000
January 2019	Guyana	DPRK	73	23,000

Source: ITC Trade Map

Machinery[93]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
March 2018	Guyana	DPRK	84	161,000
April 2018	Guyana	DPRK	84	35,000
June 2018	Guyana	DPRK	84	103,000
August 2018	Guyana	DPRK	84	22,000
December 2018	Guyana	DPRK	84	69,000
January 2019	Guyana	DPRK	84	154,000
February 2019	Guyana	DPRK	84	77,000
March 2019	Guyana	DPRK	84	88,000
April 2019	Guyana	DPRK	84	29,000
May 2019	Guyana	DPRK	84	20,000
June 2019	Guyana	DPRK	84	51,000
July 2019	Guyana	DPRK	84	26,000
August 2019	Guyana	DPRK	84	20,000
September 2019	Guyana	DPRK	84	32,000
October 2019	Guyana	DPRK	84	30,000

[89] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[90] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[91] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[92] **Applicable resolution:** Resolution 2371 (2017), paragraph 8.
[93] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

December 2019	Guyana	DPRK	84	279,000
February 2020	Guyana	DPRK	84	31,000
May 2020	Guyana	DPRK	84	21,000

Source: ITC Trade Map

Electrical equipment [94]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
December 2018	Guyana	DPRK	85	17,000
March 2019	Guyana	DPRK	85	14,000

Source: ITC Trade Map

Earth and stone [95]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
March 2019	Guyana	DPRK	25	18,000

Source: ITC Trade Map

[Export]

Metals [96]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
November 2019	Guyana	DPRK	72	18,000
December 2019	Guyana	DPRK	72	21,000
January 2020	Guyana	DPRK	72	27,000

Source: ITC Trade Map

Honduras: The Panel has yet to receive a reply.

[Imports]

Machinery [97]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
October 2019	Honduras	DPRK	84	34,000
November 2019	Honduras	DPRK	84	41,000
December 2019	Honduras	DPRK	84	49,000
January 2020	Honduras	DPRK	84	33,000

Source: Global Trade Atlas

Electrical equipment [98]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
November 2019	Honduras	DPRK	85	46,000
January 2020	Honduras	DPRK	85	38,000

Source: Global Trade Atlas

[94] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[95] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[96] **Applicable resolution:** Resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

[97] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[98] *Ibid*.

India: The Panel made two inquires to India, first for the period between May and December 2019, and the second for the period between January and July 2020. In this period, India recorded imports of zinc, iron and steel products, textiles, electrical equipment, machinery, and food and agricultural products with total value of 1,364,000 USD. It also recorded exports of industrial machinery, iron and metals and vehicles with total value of 339,000 USD.

To both inquiries, India replied without original documents or other pertinent details that "after careful checks, we have found that there were no exports to or imports from DPRK" of prohibited items for both periods. [99]

Indonesia: Indonesia stated that while it imported 164,000 USD worth of zinc from the DPRK in January 2020, UNSCR 2321 (2016) did not prohibit "the procurement of the specific abovementioned HS codes", in this case HS 79 and HS 2608. [100]

Zinc [101]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
January 2020	Indonesia	DPRK	79	164,000

Source: ITC Trade Map

Italy: The Panel enquired Italy of its recorded export of metals (HS 72-83) to the DPRK in March 2020. Italy replied that "following investigations into the databank of the Italian Agency for Customs and Monopolies, no corresponding export of items, as indicated by the UN Panel of Experts, has emerged" but will keep the Panel informed of "any new, further details that may emerge."

Kenya: The Panel has yet to receive a reply.

[Imports]
Machinery [102]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
July 2020	Kenya	DPRK	84	92,000
August 2020	Kenya	DPRK	84	96,000

Source: Global Trade Atlas

Kyrgyzstan: Kyrgyzstan replied that its State Customs Service found the recorded import of machinery from the DPRK in June 2020 was due to an inaccurate entry of the country of origin code, and this technical error has been corrected in its Unified Automated System.

Mauritius: Mauritius replied that "no transaction has been effected between Mauritius and the DPRK" concerning its recorded imports of iron in June 2019 and of machinery in February 2020 from the DPRK. Mauritius further stated that "[a]n error was made in the Mauritius Customs Management System (CMS) which has been duly amended."

[99] See part 1 of this Annex.
[100] On the HS codes and the methodology the Panel uses for the monitoring purpose, see section 1 of this Annex.
[101] **Applicable resolution:** Resolution 2321 (2016), paragraph 28.
[102] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

Mozambique: The Panel has yet to receive a reply from Mozambique.

[Imports]

Zinc [103]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Mozambique	DPRK	79	117,000
May 2020	Mozambique	DPRK	79	104,000

Source: ITC Trade Map

Seafood [104]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2020	Mozambique	DPRK	03	56,000

Source: ITC Trade Map

Textiles [105]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Mozambique	DPRK	63	25,000
June 2020	Mozambique	DPRK	55	42,000

Source: ITC Trade Map

Machinery [106]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2020	Mozambique	DPRK	84	10,000

Source: ITC Trade Map

Electrical equipment [107]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2020	Mozambique	DPRK	85	10,000

Source: ITC Trade Map

[Exports]

Metals[108]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Mozambique	DPRK	78	350,000

Source: ITC Trade Map

[103] **Applicable resolution:** Resolution 2321 (2016), paragraph 28..
[104] **Applicable resolution:** Resolution 2371 (2017), paragraph 9.
[105] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[106] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[107] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[108] **Applicable resolution:** Resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

Nigeria: The Panel has yet to receive a reply.

[Imports]

Iron [109]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2018	Nigeria	DPRK	72, 73	19,000
May 2019	Nigeria	DPRK	72, 73	21,000

Source: Global Trade Atlas

Textiles [110]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2018	Nigeria	DPRK	50-63	28,000
June 2018	Nigeria	DPRK	50-63	18,000
August 2018	Nigeria	DPRK	50-63	18,000
November 2018	Nigeria	DPRK	50-63	10,000
April 2020	Nigeria	DPRK	50-63	31,000
June 2020	Nigeria	DPRK	50-63	64,000

Source: Global Trade Atlas

Machinery [111]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
February 2018	Nigeria	DPRK	84	26,000
March 2018	Nigeria	DPRK	84	54,000
April 2018	Nigeria	DPRK	84	136,000
January 2019	Nigeria	DPRK	84	56,000
April 2019	Nigeria	DPRK	84	20,000
July 2019	Nigeria	DPRK	84	18,000
December 2019	Nigeria	DPRK	84	63,000
January 2020	Nigeria	DPRK	84	142,000
February 2020	Nigeria	DPRK	84	25,000
March 2020	Nigeria	DPRK	84	15,000
April 2020	Nigeria	DPRK	84	131,000
June 2020	Nigeria	DPRK	84	90,000

Source: Global Trade Atlas

Electrical equipment [112]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
July 2018	Nigeria	DPRK	85	20,000
August 2018	Nigeria	DPRK	85	11,000
October 2018	Nigeria	DPRK	85	10,000
December 2018	Nigeria	DPRK	85	10,000
April 2019	Nigeria	DPRK	85	15,000
April 2020	Nigeria	DPRK	85	109,000
June 2020	Nigeria	DPRK	85	37,000

Source: Global Trade Atlas

[109] **Applicable resolution:** Resolution 2371 (2017), paragraph 8.
[110] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[111] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[112] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

Agricultural products [113]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
January 2019	Nigeria	DPRK	7, 8, 12	11,000

Source: Global Trade Atlas

[Exports]

Metals[114]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
July 2019	Nigeria	DPRK	74	310,000
August 2019	Nigeria	DPRK	76	279,000

Source: Global Trade Atlas

North Macedonia: North Macedonia replied that its recorded imports from the DPRK of iron, machinery and electrical equipment between 2018 and 2020 were "due to the technical error on all Customs declarations", and indicated its willingness to provide the digital copies of relevant customs declarations.

Pakistan: The Panel made two inquiries to Pakistan, first for the period between September 2019 and March 2020, and the second for the period between June 2017 and July 2020.

In its first reply, Pakistan shared the result of its own enquiry which unequivocally showed the absence of prohibited trade with the DPRK using original documentation.

The Panel has yet to receive a reply for its second inquiry.

[Imports]

Copper [115]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
October 2017	Pakistan	DPRK	74, 2603	21,000
January 2018	Pakistan	DPRK	74, 2603	10,000
March 2018	Pakistan	DPRK	74, 2603	83,000

Source: Global Trade Atlas

Zinc [116]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
June 2017	Pakistan	DPRK	79, 2608	13,000
June 2018	Pakistan	DPRK	79, 2608	276,000

Source: Global Trade Atlas

Iron [117]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2017	Pakistan	DPRK	72, 73	2,292,000
October 2017	Pakistan	DPRK	72, 73	49,000

[113] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[114] **Applicable resolution:** Resolution 2397 (2017), paragraph 7; **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

[115] **Applicable resolution:** Resolution 2321 (2016), paragraph 28.

[116] **Applicable resolution:** Resolution 2321 (2016), paragraph 28.

[117] **Applicable resolution:** Resolution 2371 (2017), paragraph 9.

November 2017	Pakistan	DPRK	72, 73	376,000
December 2017	Pakistan	DPRK	72, 73	21,000
January 2018	Pakistan	DPRK	72, 73	45,000
February 2018	Pakistan	DPRK	72, 73	63,000
March 2018	Pakistan	DPRK	72, 73	412,000
April 2018	Pakistan	DPRK	72, 73	10,000
May 2018	Pakistan	DPRK	72, 73	95,000
June 2018	Pakistan	DPRK	72, 73	56,000
July 2018	Pakistan	DPRK	72, 73	145,000
August 2018	Pakistan	DPRK	72, 73	78,000
September 2018	Pakistan	DPRK	72, 73	59,000
November 2018	Pakistan	DPRK	72, 73	15,000
July 2019	Pakistan	DPRK	72, 73	30,000
July 2020	Pakistan	DPRK	72, 73	27,000

Source: Global Trade Atlas

Textiles [118]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
March 2018	Pakistan	DPRK	50-63	20,000
April 2018	Pakistan	DPRK	50-63	44,000
June 2018	Pakistan	DPRK	50-63	19,000
July 2018	Pakistan	DPRK	50-63	83,000
August 2018	Pakistan	DPRK	50-63	42,000
September 2018	Pakistan	DPRK	50-63	54,000
October 2018	Pakistan	DPRK	50-63	287,000
December 2018	Pakistan	DPRK	50-63	30,000
May 2019	Pakistan	DPRK	50-63	29,000
January 2020	Pakistan	DPRK	50-63	21,000

Source: Global Trade Atlas

Machinery [119]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
February 2018	Pakistan	DPRK	84	88,000
March 2018	Pakistan	DPRK	84	61,000
April 2018	Pakistan	DPRK	84	145,000
May 2018	Pakistan	DPRK	84	38,000
June 2018	Pakistan	DPRK	84	244,000
July 2018	Pakistan	DPRK	84	140,000
August 2018	Pakistan	DPRK	84	161,000
September 2018	Pakistan	DPRK	84	108,000
October 2018	Pakistan	DPRK	84	15,000
November 2018	Pakistan	DPRK	84	19,000
February 2019	Pakistan	DPRK	84	26,000

Source: Global Trade Atlas

Electrical equipment [120]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
February 2018	Pakistan	DPRK	85	34,000

[118] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[119] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[120] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

March 2018	Pakistan	DPRK	85	32,000
April 2018	Pakistan	DPRK	85	12,000
May 2018	Pakistan	DPRK	85	130,000
June 2018	Pakistan	DPRK	85	25,000
October 2018	Pakistan	DPRK	85	16,000

Source: Global Trade Atlas

Agricultural products [121]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
March 2018	Pakistan	DPRK	7, 8, 12	16,000
September 2018	Pakistan	DPRK	7, 8, 12	40,000
October 2018	Pakistan	DPRK	7, 8, 12	16,000

Source: Global Trade Atlas

Russian Federation: The Panel made two inquiries to the Russian Federation, first for the period between September 2019 and March 2020, and the second for the period between June 2017 and July 2020. The Russian Federation replied to both.

In its first reply, the Russian Federation stated that all 'imports' from the DPRK were delivered from countries other than the DPRK, and the country of origin was the ROK. All 'exports' to the DPRK, are "covered by the exclusions provided for in paragraph 7 of Security Council resolution 2397 (2017) on the Democratic People's Republic of Korea (spare parts needed to maintain the safe operation of commercial civilian passenger aircraft of the Democratic People's Republic of Korea), paragraph 22 of that resolution (goods needed by the Embassy of the Russian Federation in the Democratic People's Republic of Korea) or paragraph 18 of Council resolution 2375 (2017) (concerning the Russian Federation-Democratic People's Republic of Korea Rajin-Khasan port and rail project)."

In its second reply, the Russian Federation provided full details of the exports to the DPRK, stating that all of them are "covered by exemptions provided for in Security Council resolutions." It also confirmed the statistical data provided by the ITC were accurate. (See Annex T3)

Senegal: The Panel has yet to receive a reply.

[Imports]

Iron [122]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2020	Senegal	DPRK	72-73	269,000

Source: Global Trade Atlas

Textiles [123]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2020	Senegal	DPRK	50-63	12,000

Source: Global Trade Atlas

Machinery [124]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)

October 2019	Senegal	DPRK	84	210,000
March 2020	Senegal	DPRK	84	28,000
May 2020	Senegal	DPRK	84	11,000

Source: Global Trade Atlas

Electrical equipment [125]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
December 2019	Senegal	DPRK	85	22,000

Source: Global Trade Atlas

Wood [126]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2019	Senegal	DPRK	44	10,000

Source: Global Trade Atlas

South Africa: The Panel inquired South Africa of its recorded import of electrical equipment from the DPRK worth of 480,000 USD in September 2020. South Africa replied that it would respond in due course.

Spain: The Panel has yet to receive a reply.

[Imports]

Machinery [127]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
April 2020	Spain	DPRK	84	404,000

Source: ITC Trade Map

Sweden: Sweden replied that its competent authorities confirmed that the recorded import of electrical equipment in September 2020 refers to an import from Japan, not from the DPRK. Sweden informed that it was caused by the importer's mistake, and its authorities now rectified the matter.

United Kingdom: The Panel made two inquiries to the UK for recorded import of machinery in November 2019, and trade of electrical equipment between April and September 2020.

In its first reply, the UK explained in full detail that the trade was with the USA, not the DPRK. In its second reply, the UK clarified that both imports and exports were conducted with the ROK as a part of routine trade.

Uruguay: The Panel has yet to receive a reply.

[Imports]

Electrical equipment [128]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)

[125] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[126] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[127] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[128] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

May 2020	Uruguay	DPRK	85	18,000
June 2020	Uruguay	DPRK	85	21,000
July 2020	Uruguay	DPRK	85	13,000

Source: Global Trade Atlas

Venezuela: The Panel hast yet to receive a reply.

[Imports]

Textiles [129]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
October 2019	Venezuela	DPRK	50-63	54,000
November 2019	Venezuela	DPRK	50-63	23,000

Source: Global Trade Atlas

Electrical Equipment [130]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
August 2019	Venezuela	DPRK	85	53,000
October 2019	Venezuela	DPRK	85	15,000

Source: Global Trade Atlas

Machinery [131]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
August 2019	Venezuela	DPRK	84	57,000
October 2019	Venezuela	DPRK	84	189,000

Source: Global Trade Atlas

[Exports]

Iron, steel, and other metals (HS 72-83) [132]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
October 2019	Venezuela	DPRK	72-83	44,000

Source: Global Trade Atlas

Zambia: The Panel hast yet to receive a reply.

[Imports]

Zinc [133]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
September 2019	Zambia	DPRK	79	351,000

Source: ITC Trade Map

[129] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.

[130] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[131] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

[132] **Applicable resolution:** Resolution 2397 (2017), paragraph 7. **Exemption:** shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).

[133] **Applicable resolution:** Resolution 2321 (2016), paragraph 28.

Textiles [134]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
June 2018	Zambia	DPRK	63	95,000
July 2018	Zambia	DPRK	55	12,000
September 2018	Zambia	DPRK	63	28,000
September 2018	Zambia	DPRK	55	71,000
December 2018	Zambia	DPRK	55	75,000
June 2019	Zambia	DPRK	56	16,000

Source: ITC Trade Map

Machinery [135]

Date	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
August 2018	Zambia	DPRK	84	18,985,000

Source: ITC Trade Map

Electrical equipment [136]

DATE	REPORTING COUNTRY	PARTNER COUNTRY	HS CODE	APPROXIMATE VALUE (USD)
December 2019	Zambia	DPRK	85	42,000

Source: ITC Trade Map

[134] **Applicable resolution:** Resolution 2375 (2017), paragraph 16.
[135] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.
[136] **Applicable resolution:** Resolution 2397 (2017), paragraph 6.

Annex 42: Reply from the Russian Federation on the Panel's inquiry to the recorded trade with the DPRK, April – September 2020

Translated from Russian

In response to the request for information from the Coordinator of the Panel of Experts on the Democratic People's Republic of Korea of the Security Council Committee established pursuant to resolution 1718 (2006) contained in note OC.326, we should like to transmit the following table provided by the Federal Customs Service of Russia containing data on the export of goods subject to sanctions from Russia to the Democratic People's Republic of Korea in the period from April to September 2020.

The goods in question were listed in two customs declarations and are covered by the exemptions provided for in Security Council resolutions. Specifically, paragraph 22 of Security Council resolution 2397 (2017) provides for deliveries to the Embassy of the Russian Federation in the Democratic People's Republic of Korea and paragraph 7 of the same resolution provides for deliveries of spare parts for civilian passenger aircraft.

The shipments were accompanied by a permit from the Russian Federation Commission on Export Controls which was provided to the customs authorities. Customs inspections (screenings) were conducted.

The statistical data provided by the International Trade Centre are accurate in this case.

Table 1: Industrial machinery (HS 84-85)							
	CC FEA EAEC commodity group code	Value (in thousands of dollars)	Declaration No.	Recipient/ Goods	Authorization of the Russian Federation Commission on Export Controls	Customs inspection (screening)	Note
1	2	3	4	5	6	7	8
April 2020	84	25	10716050/ 170420/00 09766	Embassy of the Russian Federation/ Concrete mixers for construction mixtures, firefighting handline spray nozzle, firefighting valve, butterfly valve, check valve, mechanical presses, drain pumps, gate valves, ball valves, sprayers, filters, air vents, thermostatic valves, sets of mechanical hydraulic tools and pneumatic tools, tools with built-in electric motors, grinders		Inspected	Security Council resolution 2397 (2017) of 22 December 2017, para. 22
	85	67	10716050/ 170420/00 09766	Embassy of the Russian Federation / Transformers, cables for distribution of electricity, emergency signalling devices, inductors, distribution panels, contactor (soft starter), heat guns, automatic switches, apparatus for switching or protecting electric circuits, plugs and sockets, transformers, insulating fittings, other switches, incandescent lamp-holders, wires and cables with insulated conductors		Inspected	Security Council resolution 2397 (2017) of 22 December 2017, para. 22
August 2020	84	776	10702070/ 10820/01 85728	Air Koryo / TA-12-60 auxiliary power unit (gas turbine), used, repaired; hydraulic jacks and hoists; metered hand pumps, jacks and hoists for servicing TU-204-100B and TU-204-300 civilian aircraft	No. 271/20-ST20 of 12 March 2020	Inspected	Security Council resolution 2397 (2017) of 22 December 2017, para. 7

Table 2: Transportation vehicles (HS 87)							
1	2	3	4	5	6	7	8
August 2020	87	34	10702070/ 1 10820/01 85728	Air Koryo/ For the maintenance of TU-204-100B and TU-204-300 civilian aircraft: coupling and towing device - tow bar, manual rolling transportation device - tilt-back tire changer)	No. 271/20-ST20 of 12 March 2020	Inspected	Security Council resolution 2397 (2017) of 22 December 2017, para. 7

Table 3: Metals (HS 73-83)							
April 2020	73	13	10716050 / 170420/0 0 09766	Embassy of the Russian Federation/ Other stamped ferrous metal products (couplings, pressure heads, fittings, tees, bends, thermal clips, elbows and bends, brackets, flanges, stainless steel pipes, threaded ferrous metal products (dowels and nails)		Inspect ed	Security Council resolution 2397 (2017) of 22 December 20 17, para. 22
	74	6	10716050 / 170420/0 0 09766	Embassy of the Russian Federation/ Couplings, fittings, air vent, mounting sleeves, adapters, tees and threaded pipe fittings		Inspect ed	Security Council resolution 2397 (2017) of 22 December 20 17, para. 22
	76	13	10716050 / 170420/0 0 09766	Embassy of the Russian Federation/ Heating radiators, aluminium foil, aluminium window profiles and aluminium structures		Inspect ed	Security Council resolution 2397 (2017) of 22 December 20 17, para. 22
	82	3	10716050 / 170420/0 0 09766	Embassy of the Russian Federation/ Press jaws, extensions, vises, circular saw blades, putty knives, hand tools for masons, moulders, concrete workers, plasterers and painters		Inspect ed	Security Council resolution 2397 (2017) of 22 December 20 17, para. 22
	83	2	1071605 0/ 170420/0 0 09766	Embassy of the Russian Federation / Electrodes		Inspect ed	Security Council resolution 2397 (2017) of 22 December 20 17, para. 22
August 2020	73	43	1070207 0/ 110820/0 1 85728	Air Koryo/ Spare parts for the maintenance of TU-204-100B and TU-204-300 civilian aircraft (plugs for wheel bearings and brackets)	No. 271/20 -ST20 of 12 March 2020	Inspect ed	Security Council resolution 2397 (2017) of 22 December 2017, para. 7
	82	10	1070207 0/ 110820/0 1 85728	Air Koryo/ Hand tools and spare parts for the maintenance of TU-204-100B and TU-204-300 civilian aircraft (handheld non-adjustable wrenches, lug wrenches and interchangeable wrench heads)	No. 271/20 -ST20 of 12 March 2020	Inspect ed	Security Council resolution 2397 (2017) of 22 December 2017, para. 7

Annex 43: Reply from Cambodia to the Panel's enquiry



KINGDOM OF CAMBODIA

PERMANENT MISSION TO THE UNITED NATIONS

NATION - RELIGION - KING

No. PMC/UN/021/21

The Permanent Mission of the Kingdom of Cambodia to the United Nations presents its compliments to the UN Security Council's Panel of Experts and, further to its Note Verbale No. PMC/UN/015/21 dated 15 January 2021 in response to communication (No. S/AC.49/2020/PE/OC.461) dated 21 December 2020 from Mr. [redacted], Coordinator of the Panel of Experts established pursuant to UN Security Council Resolution 1874 (2009), has the honour to convey to the 1718 Committee and to the Panel of Experts the **results** of the investigations carried out by the Royal Government of Cambodia into the documentary **"The Mole: Undercover in North Korea"**.

The Permanent Mission of the Kingdom of Cambodia to the United Nations avails itself of this opportunity to renew to the UN Security Council's Panel of Experts Established Pursuant to Resolution 1874 (2009) the assurances of its highest consideration.

New York, 3 February 2021

United Nations Security Council
New York

cc to:
Mr.[redacted]
Coordinator of the Panel of Experts established
pursuant to UN Security Council Resolution 1874(2009)
United Nations Security Council

327 East 58th Street, New York, NY 10022 Phone: (212) 336 0777 Fax: (212) 759 7672
Email: cambodia@un.int Website: http://www.cambodiaun.org

Date of Birth: 06 / July / 1972

Nationality: Danish

- ➢ Jim Mehdi Latrache Qvortrup entered Cambodia on April 21, 2019 (LQ671 Bangkok-Phnom Penh) and left Cambodia on April 25, 2019 (MI605 Phnom Penh-Singapore).

- HEINE KAARSBERG (Accompanying Jim Mehdi Latrache Qvortrup)

  Gender: Male

  Date of Birth: 29 / August / 1982

  Nationality: Danish

  - ➢ Both people stayed at The Bale Phnom Penh Resort in Rooms 21 and 22 from April 21, 2019 and left on April 25, 2019.

Conclusion:

- The production of the above documentary aims to attack North Korea.
- Cambodia experts did not identify any signs related to the arms trade in Cambodia.
- The production of the above documentary video does not have clear basis and evidence that corroborate the arms trade since the production of this documentary is imaginative, fictional and appealing to the audience to earn money or for other purposes.

Plans:

- Continue to cooperate in researching and identifying targets as required.
- Pay attention to monitoring activities related to the illegal arms trade (including through social media) and take effective repressive measures.

Annex 44: Reply from Nigeria to the Panel's enquiry



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS

828 SECOND AVENUE
NEW YORK, N.Y. 10017
TELEPHONE: (212) 953-9130
FAX: (212) 697-1970

Ref.No: PMN/DPR/15

November 4, 2020

H.E. [redacted],
Coordinator of the Panel of Experts established
pursuant to Security Council Resolution 1874 (2009)

Your Excellency,

REPORT OF THE FEDERAL REPUBLIC OF NIGERIA ON THE INFORMATION REQUESTED IN RESPECT OF MR. HONG SUNG SU

We wish to refer to your letter with ref. No: S/AC.49/2020/PE/OC.76 of May 27, 2020 on the alleged presence of Mr. Hong Yong Su, a national of the Democratic People's Republic of Korea (DPRK) in Nigeria, in January 2020.

2. We wish to note that the Nigeria Immigration Service (NIS) has no record of Mr. Hong Yong Su in its database and that investigations have revealed that the Haekungaan Trading Corporation is neither domiciled nor operational in Nigeria.

3. Please accept, Excellency, the assurances of my highest consideration.

Ambassador Samson. S. Itegboje
Deputy Permanent Representative
Permanent Mission of Nigeria to the United Nations

Annex 45: Reply from Russian Federation to the Panel's enquiry

Translated from Russian

OC.227

In September 2016, Mr. Pak Zen Un, a representative of Sonkwang, the North Korean foreign trade company, illegally purchased a batch of spare parts for MIG-29 aircraft from citizens of the Russian Federation, Vladimir Vyacheslavovich Lyubishin and Konstantin Viktorovich Moskal, with the intent of smuggling them to North Korea with Mr. Lyubishin's assistance.

However, in November 2016, while they were in Budapest on business, Mr. Lyubishin and his son Vladimir were detained by the Hungarian authorities, at the request of the Department of Justice of the United States of America, on charges of smuggling weapons and trafficking drugs to the United States. The United States was adamant that the Russian nationals should be extradited as quickly as possible to the United States for judicial inquiry. The Drug Enforcement Agency of the United States had initiated criminal proceedings.

In June 2017, the Investigative Department of the Federal Security Service of the Russian Federation initiated criminal proceedings against the elder Mr. Lyubishin for planning to smuggle military equipment to the Democratic People's Republic of Korea.

The Investigative Committee of the Russian Federation initiated concurrent criminal proceedings against the younger Mr. Lyubishin under article 222 of the Russian Criminal Code (illegal acquisition, transfer, sale, storage, transportation or possession of weapons), which was closed in February 2020 in view of the absence of *corpus delicti* in the defendant's actions.

Having reviewed the documents in these criminal cases, the Prosecutor General's Office of the Russian Federation submitted a request to the Ministry of Justice of Hungary seeking the extradition of the defendants to Russia.

On 10 August 2018, the Minister of Justice of Hungary approved the transfer of both the father and the son to Russia.

In September 2019, the Nagatinsky district court of Moscow found the elder Mr. Lyubishin guilty under article 30 (1) and article 226.1 (1) of the Criminal Code of the Russian Federation and sentenced him

to one year and six months in prison. Mr. Lyubishin pleaded guilty and provided testimony incriminating Mr. Zen Un Park in the organization of the illegal shipment of Russian-made military equipment abroad.

Mr. Moskal, who together with the elder Mr. Lyubishin participated in illegal activities on behalf of Mr. Park Zen Un, was not present for the transaction that took place in September 2016; he had been imprisoned following prosecution by the Federal Security Service in connection with a different incident involving criminal activity.

Original: Russian

ОС.227.

В сентябре 2016 г. представитель северокорейской внешнеторговой компании «Sonkwang» Пак Зен Ун незаконно приобрел у граждан Российской Федерации Любишина Владимира Вячеславовича и Москаля Константина Викторовича партию запасных частей для самолетов МИГ-29, которые с помощью Любишина В.В. намеревался контрабандным способом вывезти в Северную Корею.

Однако в ноябре 2016 г. Любишин В.В. и его сын Владимир Владимирович, выехавшие по частному делу в Будапешт, были задержаны властями Венгрии по представлению Минюста США за организацию контрабанды оружия и участие в обеспечении наркотрафика в США. При этом американская сторона настаивала на скорейшей экстрадиции россиян в США для проведения судебного расследования. Инициатором уголовного преследования выступило Агентство США по борьбе с наркотиками.

В июне 2017 г. Следственным управлением ФСБ России в отношении Любишина–старшего было возбуждено уголовное дело по факту приготовления к контрабандному вывозу продукции военного назначения в КНДР.

Одновременно Следственным комитетом Российской Федерации в отношении Любишина–младшего было возбуждено уголовное дело по ст.222 УК России (незаконное приобретение, передача, сбыт, хранение, перевозка или ношение оружия...), которое в феврале 2020 г. прекращено в связи с отсутствием в действиях фигуранта состава преступления.

На основании материалов указанных уголовных дел Генпрокуратура России направила в Минюст Венгрии запрос об экстрадиции фигурантов уголовных дел в Россию.

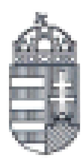
10 августа 2018 г. министр юстиции Венгрии принял положительное решение о передаче Любишиных российской стороне.

В сентябре 2019 г. приговором Нагатинского районного суда г.Москвы Любишин–старший

был признан виновным в совершении преступления, предусмотренного ч.1 ст.30 и ч.1 ст.226.1 УК России и приговорен к лишению свободы сроком на 1 год и 6 месяцев. Свою вину Любишин В.В. признал и дал показания, изобличающие Пак Зен Уна в организации незаконной поставки за рубеж изделий военного назначения российского производства.

Москаль К.В., который совместно с Любишиным–старшим принимал участие в противозаконной деятельности в интересах Пак Зен Уна, в сентябре 2016 г. на сделке не присутствовал в связи с его привлечением органами ФСБ России к уголовной ответственности по другому эпизоду преступной деятельности, в рамках которого он и был приговорен к лишению свободы.

Annex 46: Reply from Hungary to the Panel's enquiry



Permanent Mission of Hungary to the United Nations

No. 122/2020/HUPM/NEW

Ref. No.: S/AC.49/2020/PE/OC.228

New York, 11 November 2020

Excellency,

The Permanent Mission of Hungary to the United Nations has the honour to submit to the Coordinator of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009) the information required by the Panel in its letter of 18 September 2020. Furthermore, the Permanent Mission of Hungary thanks the Coordinator for its patience and flexibility regarding the deadline for submitting the required information.

H.E. Ms. Katalin Annamária Bogyay

Ambassador, Permanent Representative

His Excellency [redacted]

Coordinator

Panel of Experts established pursuant to Security Council Resolution 1874 (2009)

New York

Attachment: HUPM - DPRK PoE - answers

227 East 52nd Street, New York, NY 10022 Tel.: (212) 752-0209 Fax: (212) 755-5395 E-mail: hungaryun.ny@mfa.gov.hu

1. **Any information your authorities are able to provide on recent cases that have not been publicly reported, and an assessment of current DPRK efforts to procure embargoed equipment;**

Hungary possesses neither any information on the recent cases that have not been publicly reported nor an assessment of current DPRK efforts to procure embargoed equipment.

2. **The authenticity of the abovementioned media report in respect of the references to matters concerning Hungary and its competent authorities;**

The Prosecutor General's Office of the Russian Federation submitted an extradition request for the extradition of Vladimir LYUBISHIN Sr. 27 September 2017 for criminal offences with military items and services according to the Hungarian Criminal Code.

According to the facts of the case, Vladimir LYUBISHIN Sr. was part of a conspiratory group, which planned to smuggle military items from the Russian Federation to the Democratic People's Republic of Korea.

The Budapest Capital Regional Court has established in its final decision dated 27 June, 2018, that the legal conditions for the extradition of Vladimir LYUBISHIN Sr. are met for all offences described in the request.

The Minister of Justice has ordered the extradition of Vladimir LYUBISHIN Sr. to the Russian Federation based upon the final decision of the Budapest Capital Regional Court.

The extradition of Vladimir LYUBISHIN Sr. to the Russian Federation took place on 10 August 2018.

Vladimir LYUBISHIN Jr. was also extradited to the Russian Federation on the same day based upon an extradition request for different offences.

3. **The specific circumstances of this case, including times, places, passports details and Visa history concerning Mr. Lyubishin and his son (of the same name), the process and result of the case;**

Hungary possesses no information on the specific circumstances of this case.

4. **List of all the items that Mr. Lyubishin and Mr. Moskal intended to smuggle to the DPRK such as spare parts for aircraft or other conventional weapons or related materiel;**

Hungary possesses no further information on the items that Vladimir LYUBISHIN Sr. and Mr. MOSKAL intended to smuggle to the DPRK compared with the list referred to the abovementioned media report.

5. **Information on any financial transactions (including date, amount and method of payment) related to this case and bank account information and transfer information of relevant individuals between 2015 to 2017;**

Hungary possesses no information on any financial transactions, bank account information and transfer information related to both of this case and relevant individuals.

6. The contents of any investigation report, with documentation;

Hungary possesses no information on the contexts of any investigation report.

7. The legal documents (judgment, sentence, verdict or court order) and the extradition agreement between Hungary and the Russian Federation relating to Mr. Lyubishin and his son;

The extradition proceedings of Vladimir LYUBISHIN Sr. and his son, Vladimir LYUBISHIN Jr. to the Russian Federation was conducted in accordance with the European Convention on Extradition and the Hungarian national laws referring to extradition.

In light of this, the court may decide on the fulfilment of the conditions for extradition or on the grounds for refusing extradition, and subsequently, on the basis of the court's decision, the Minister of Justice decides on the issue of the extradition.

The legal condition for the extradition are the following:

- Article 2 (1) of the European Convention on Extradition: *"Extradition shall be granted in respect of offences punishable under the laws of the requesting Party and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty. Where a conviction and prison sentence have occurred or a detention order has been made in the territory of the requesting Party, the punishment awarded must have been for a period of at least four months."*

- Article 14 of the European Convention on Extradition:
"1. A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited, nor shall he be for any other reason restricted in his personal freedom, except in the following cases:

a) When the Party which surrendered him consents. A request for consent shall be submitted, accompanied by the documents mentioned in Article 12 and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent shall be given when the offence for which it is requested is itself subject to extradition in accordance with the provision of this Convention;

b) when that person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within 45 days of his final discharge, or has returned to that territory after leaving it.

2. The requesting Party may, however, take any measures necessary to remove the person from its territory, or any measures necessary under its law, including proceedings by default, to prevent any legal effects of lapse of time.

3. When the description of the offence charged is altered in the course of proceedings, the extradited person shall only be proceeded against or sentenced in so far as the offence under its new description is shown by its constituent elements to be an offence which would allow extradition."

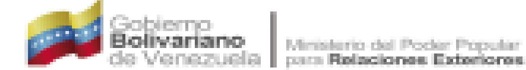
- Hungarian Act No XXXVIII of 1996 on international legal assistance in criminal matters:
  - a) and b) subparagraph of Article 5 (1)
  - Article 11 (1)
  - Article 11 (2)
  - Article 12
  - Article 14
  - Article 14/A

On the basis of the international and national laws, legal conditions for the extradition were analyzed by the Budapest Capital Regional Court through its investigation. Therefore, the Budapest Capital Regional Court has not examined the extradition in substance, and evidentiary procedure was not been conducted, as well.

8. Cooperation, if any, between the competent authorities in Hungary and any other countries in this case.

There was no cooperation between Hungary and any other UN Member State in this case.

Annex 47: Reply from Venezuela to the Panel's enquiry



No. 000196

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations presents its compliments to the distinguished Panel of Experts established pursuant to Security Council Resolution 1874 (2009) in the opportunity of referring to the latter's Notes Verbales Nos. S/AC.49/2019/PE/OC.113 and S/AC.49/2020/PE/OC.146, dated 24 October 2019 and 12 June 2020, respectively.

At the outset, the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations would like to stress three (03) points:

1. The Bolivarian Republic of Venezuela is a responsible member of the international community that has always met its international legal obligations, including those deriving from the Charter of the United Nations, including those referred to matters of international peace and security, under Chapter VII.

2. The Bolivarian Republic of Venezuela, as an independent State, has the sovereign right to engage in and develop friendly relations and cooperation with any other State it so decides, in line with one of the fundamental purposes of the United Nations.

3. The Bolivarian Republic of Venezuela is fully aware and respectful of the measures imposed by virtue of relevant resolutions of the Security Council of the United Nations on the Democratic People's Republic of Korea, which are legally binding by virtue of relevant provisions of the Charter of the United Nations.

In light of the above and in particular reference to the communications abovementioned, the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations advises hereby that the visit of members of the National Constituent Assembly of the Bolivarian Republic of Venezuela and the United Socialist Party of Venezuela (PSUV, in Spanish) to the Democratic People's Republic of Korea, from 24-27 September 2019, was of an exclusive political nature, at the invitation of the Worker's Party of Korea, and with the sole purpose of strengthening the ties of friendship between both nations, including amongst its political parties and parliaments.

Moreover, the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations transmits its serious concern at the decision of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009) to initiate an official investigation on the basis of information from "a media report"; namely, one single source, as can be concluded from the communication dated 24 October 2019 and its Annex, particularly taking into account the fact that there is no single agreement between the Bolivarian Republic of Venezuela and the Democratic People's Republic of Korea on military and technological cooperation.

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Misión Permanente de la República Bolivariana de Venezuela ante Naciones Unidas - Nueva York

This regretful course of action, that resembles more an accusation, without any proof and, instead, based on mere spurious and fabricated allegations, has allowed, perhaps inadvertently, the instrumentalization of the Panel of Experts to attack a full Member State of the United Nations, as is the Bolivarian Republic of Venezuela. For instance, this is most recently demonstrated by the way in which international media has reported in recent days the previous communications from the Panel of Experts to the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations and which, despite being of a non-public nature, were still leaked to the press and are being used for political purposes, as part of propaganda campaigns against Venezuela.

In addition, while the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations understands the mandate and scope of the work of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009), it stresses that the Panel of Experts must ensure at all times compliance with due diligence and respect for the equal protection of rights. Sources must be rigorously corroborated and allegations must be duly verified, in order to avoid the initiation of a state of permanent suspicion and accusations against any country – including Venezuela –, without actually presenting any proofs. The contrary would then require constant responses to never ending accusations or media reports that have no backing, and which shall be an undesired practice.

Furthermore, the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations respectfully suggests the Panel of Experts established pursuant to Security Council Resolution 1874 (2009), for future reference, to provide concrete evidence and/or indication, *onus probandi*, that may certainly lead it to either suspect or conclude that the Bolivarian Republic of Venezuela has or is incurring in violations of the sanctions regime imposed by the Security Council of the United Nations on the Democratic People's Republic of Korea, in order to ensure that it can respond accordingly, insofar as the queries of the Panel of Experts are duly substantiated and/or from serious sources.

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations presents avails itself of this opportunity to renew to the distinguished Panel of Experts established pursuant to Security Council Resolution 1874 (2009) the assurances of its highest esteem and consideration.

New York, 29 July 2020

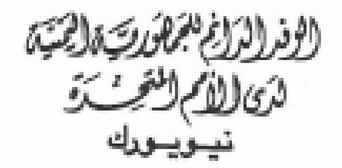
[redacted]
Coordinator, Panel of Experts established pursuant to
Security Council Resolution 1874 (2009)
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Annex 48: Reply from Yemen to the Panel's enquiry

PERMANENT MISSION OF THE
REPUBLIC OF YEMEN
TO THE UNITED NATIONS
413 EAST 51st STREET
NEW YORK, N.Y. 10022
TEL: 212-355-1730
FAX: 212-750-9613





Ref. ROY/060/8.20

20 August 2020

Excellency,

In reply to your letters dated 22 November 2019 with reference (S/AC.49/2019/PE/OC.193), with regard to the Panel of Experts established Pursuant to Security Council Resolution 1874 (2009) to gather, examine and analyse information regarding the implementation of measures imposed on Democratic People's Republic of Korea (DPRK) by Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) and 2356 (2017), 2371 (2017), 2375 (2017), and 2397 (2017), in particular incidents of non-compliance.

And with regard to your letters, the first was concerning the ongoing investigation of a cooperation project with the DPRK defense industry, for which Major General Zakaria Yahya Al-Shami signed a letter inviting two delegations from the DPRK to meet in Damascus. The second was concerning ongoing investigation of a project deal involving Mr. Naif Ahmed Al-Qanis who signed a protocol with a Syrian arms dealer, Mr. Hussein Al-Ali, in Damascus for the supply of military equipment. Please be advised that the so-called Zakaria Yahya Al-Shami is impersonating the position of "Chief of Defense staff". He is an affiliate of the Houthi militia and does not represent the Government of Yemen in any capacity, therefore, his actions and attempts to establish military cooperation with The Democratic People's Republic of Korea (DPRK) are a clear violation of Security Council resolutions of DPRK, as well as resolutions on arms embargo of Yemen, in particular, resolution 2216 (2015). These attempts are part of a wide array of efforts led by the Houthis and Iran; and are aimed at supplying the Houthis with weapons.

The so-called Naif Al-Qanis was appointed by the Houthi militia as their ambassador to Damascus, Syria, following the Syrian regime's violation of the Vienna Convention on Diplomatic Relations and handing over the Yemeni Embassy in Damascus to the representative of the Houthi militia in a flagrant violation of international resolutions. The embassy in Damascus and the so-called Al-Qanis do not represent the Government of the

Republic of Yemen. Further, the actions of Al-Qanis, including the signing of a protocol with a Syrian arms dealer called "Hussein Al-Ali" in order to import military equipment into Yemen, are in clear violation of the Security Council resolutions of DPRK, as well as resolutions related to the arms embargo on Yemen, in particular resolution 2216 (2015).

The Government of Yemen recommends that the Panel of Experts established pursuant to Security Council Resolution 1874 (2009) to share with the Panel of Experts established pursuant to Security Council Resolution 2140 (2014) any information related to the aforementioned individuals or any other representatives of the Houthi militia in order to enable the effective tracking of the sources of the weapons used by the Houthis to prolong the conflict and target civilian objects in Yemen and Saudi Arabia.

Please accept, the assurance of my highest consideration.

Abdullah Ali Fadhel Al-Saadi
Ambassador
Permanent Representative

PERMANENT MISSION OF THE REPUBLIC OF YEMEN TO THE UNITED NATIONS

[redacted]

Coordinator of the Panel of Experts established

Pursuant to Security Council Resolution 1874 (2009)

Annex 49: Several previously reported cases related to the Democratic Republic of the Congo (DRC), Eritrea and Myanmar

Democratic Republic of the Congo

The Panel continued its investigation into the involvement of the Democratic People's Republic of Korea in gold mining in the Democratic Republic of the Congo, and the provision of military training and arms sales by the Democratic People's Republic of Korea to the Presidential Guard of the Democratic Republic of the Congo (see S/2019/171, para. 68). The Panel wrote to Fouad Dakhlallah, who is suspected of violating Security Council resolutions by engaging with nationals of the Democratic People's Republic of Korea who were either working on behalf of entities designated by the Security Council or had been previously reported as being involved in prohibited arms-related activities in Africa and the Middle East (see S/2019/171, para. 67 and S/2020/151, para.104). The Panel has requested information from the Democratic Republic of the Congo on the above cases. The Panel has not yet received a reply to its enquiry from the DRC.

Eritrea

The Panel continued its investigation into arms-related cooperation between the Democratic People's Republic of Korea and Eritrea. Eritech Computer Assembly & Communication Technology PLC (also known as Eritech or Etech), "operated by the Eritrean Defence Forces" and co-located with "Asha Golgol Military Technical Centre", was identified as a recipient of arms and related materiel from Glocom, a company of the Democratic People's Republic of Korea supplying military communications equipment (see S/2018/171, para. 91, S/2019/171, para. 70, and S/2020/151, para. 105). The Panel also continued to investigate Kim Kwang Rim, a national of the Democratic People's Republic of Korea whom the Panel had previously reported to be the representative of the Green Pine Associated Corporation in Eritrea. Eritrea has not provided substantive information in its responses to the Panel's repeated enquiries. The panel continues to ask Eritrea for further clarifications. To its further clarifications and enquiry, the Panel has not yet received a reply from Eritrea.

Myanmar

The Panel repeated its earlier request for documentation and other information concerning matters involving military cooperation between Myanmar and the Democratic People's Republic of Korea, including ballistic missile cooperation since October 2006, as well as evidence of the return of technicians from Myanmar and the Democratic People's Republic of Korea to their respective home countries (see S/2019/171, para. 78 and S/2020/151, para.110). The Panel has not received a response on these matters. The Panel has not received a response on these matters.

Annex 50: Essentra

Following the announcement on 16 July 2020 of a deferred prosecution agreement between Essentra FZE Company Limited and the US Department of Justice relating to sales to the DPRK of compo-nents used in the manufacture of cigarettes, the Panel wrote to Essentra who cooperated with the Panel. The Panel is continuing its enquiries and has written to entities in several Member States concerning potential violations of UN sanctions.

https://www.justice.gov/opa/pr/essentra-fze-admits-north-korean-sanctions-and-fraud-violations-agrees-pay-fine

Annex 51: Cash and Gold Smuggling by DPRK nationals in the Islamic Republic of Iran between Iran and the United Arab Emirates

Smuggling gold and cash could be in violation of multiple sanctions measures stipulated in relevant resolutions including:

Paragraph 11 of resolution 2094 (2013) prohibited transfer of financial assets, including bulk cash, to and from the DPRK, which could contribute to the DPRK's nuclear and ballistic missile programmes, or other activities prohibited by relevant resolutions. Paragraph 14 of resolution 2094 (2013) clarifies that all States shall apply the measures set forth in paragraph 11 of this resolution to transfers of cash, including through cash couriers, transiting to and from the DPRK.

Paragraph 37 of resolution 2270 (2016) clarifies that all States shall apply the measures set forth in paragraph 11 of resolution 2094 (2013) to transfers of gold, including through gold couriers, transiting to and from the DPRK.

Furthermore, although the Panel is still investigating the route of the transfer of gold, it notes that paragraph 30 of resolution 2270 (2016) prohibits the supply, selling or transfer of gold, regardless of whether it is directly or indirectly, from the DPRK territory or by DPRK nationals.

Concerning the three Iranian individuals who are suspected of involvement in the DPRK gold and cash smuggling between Tehran and the airport of Dubai[137], the United Arab Emirates informed the Panel that as of October 2020, these three Iranians were residing in Dubai. According to a Member State, the nationals of the Democratic People's Republic of Korea involved in the smuggling often travelled using Emirates Airline. Since 2019, the Panel has been requesting information from the airline but has not yet to receive a substantive response.

The Member State assesses two nationals of the Democratic People's Republic of Korea, Pak Sin Hyok and Ri Kuk Myong, both in the Economic and Commercial Section of the Embassy of the Democratic People's Republic of Korea in Tehran, as being current participants in this smuggling. The Member State further informed the Panel of multiple nationals of the Democratic People's Republic of Korea, including a former diplomat.[138]

Source: The Panel

[137] Mr. Mohammad Hussain Mehrchian, Mr. Mohsen Hussain Fahad and Mr. Heidar Saheb Faraji Dana.

[138] S/2020/151, para. 108, Annex 26.

Annex 52: On advertisement or display of prohibited items, Mansudae Art Studio and its artwork

Relevant UN security council resolutions obligate Member States to prevent the DPRK from generating or acquiring revenue to support its WMD program. To this end, the Committee and Security Council designates entities and individuals that are engaged in or provide support for DPRK's nuclear-related, other WMD and ballistic missile-related programmes. The designated entities are subject to the asset freeze pursuant to paragraph 8(d) of resolution 1718 (2006).

DPRK's Mansudae Overseas Project Group of Companies (a.k.a Mansudae Art Studio, hereafter "Mansudae") was designated for the assets freeze pursuant to paragraph 8(d) of resolution 1718 (2006) in 2017 (see annex II, resolution 2371 (2017)). Mansudae work, to include statues and artwork available from their studio, are subject to the asset freeze by Member States pursuant to paragraph 8 (d) of resolution 1718 (2016). Also, the artwork potentially available at Mansudae Art Studio includes statues. The procurement of statues was prohibited in November 2016, pursuant to the resolution 2321 (2016), prior to the designation of Mansudae Art Studio in August 2017.

Paragraph 8(d) of resolution 1718 (2016) further requires Member States to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or any persons or entities within their territories, to or for the benefit of designated individuals, entities, or persons or entities acting on behalf of or at their direction. Paragraph 12 of resolution 2270 (2016) affirms that "economic resources" as referred to in paragraph 8(d) of resolution 1718 and prohibited to be transferred to the designated entities includes "assets of every kind, whether tangible or intangible, movable and immovable, actual or potential, which potentially may be used to obtain funds, goods, and services."

The Panel has previously highlighted the potential risks of showcasing prohibited items. The Democratic People's Republic of Korea's parades that showcase its tanks, ballistic missiles, and conventional arm, for example, also promote the country's illicit military sales that generate revenue (see para 203, S/2020/151). Similarly, the DPRK may directly or indirectly benefit from the advertisement or showcasing of prohibited artwork or statues, which ultimately support Mansudae's overseas operations. The Panel is investigating the activity of Mansudae overseas. It previously investigated the exhibition and advertisement of Mansudae artwork, as well as purchase and transfer of Mansudae artworks by the visitors to the studio (see S/2020/840, paras. 102, 103, S/2020/151, paras. 102, 103, S/2019/171 para.95). Furthermore, individuals or organizations that facilitate the sale of prohibited artwork or statues would be subject to the relevant provisions of the Security Council resolutions (e.g. asset freeze or seizure).

Source: The Panel

Annex 53: Website of Chugai Travel Co. Ltd. [139]

(1) Advertisement of tailored Korean ethnic dress during tours in Pyongyang



Source: Website of Chugai Travel Co. Ltd. (accessed 25 December 2020)

[139] Address: 7-2-6, Ueno, Taitoku, Tokyo, Japan. According to the website of the General Association of Korean Residents. in Japan（在日本朝鮮人総聯合会）, this company is listed as a " business organization" (사업체) of the association. Chugai shares address with other companies/organizations including the Korean Football Association in Japan.

(2) Chugai Travel as general agency of Air Koryo[140] and Korean International Travel Company[141]



Welcome to Chugai Travel
Japanese General Agency of Korea International Travel Company and Air Koryo

Source: Website of Chugai Travel Co. Ltd. (accessed 25 December 2020)

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[140] The Panel continues to investigate links between the DPRK military and Air Koryo, noting the absence of boundaries between the Korean People's Army Air Force and Air Koryo as well as the role of Air Koryo in incidents of non-compliance with the relevant sanctions.

[141] KITC is controlled by the National Tourism Administration (in Korean: 국가관광총국).

Annex 54: Article on Mansudae Art Studio (excerpt) on Young Pioneer Tours[142] Website

Mansudae Art Studio



Mansudae Art Studio

VISITING MANSUDAE ART STUDIO

Guess what? You can totally visit. On a great deal of our tours, so long as it's arranged beforehand, it's entirely possible to visit the studio yourself! Much of it is inaccessible unfortunately, but it's entirely possible to tour the outsides, see some magnificent works, buy a few for yourself and if you're very lucky, even get to see some of the artists at work and ask a few questions! You don't get much closer to the action than this without being a Korean yourself.

For those packing a lot of cash, the studio also offers large ornate pieces that likely won't fit in a suitcase. Luckily, that's no problem because the studio offers an exclusive postal service to help ship it overseas. For a fee, naturally, but if you've gone so far as to buy one of those huge works, why not go the distance?

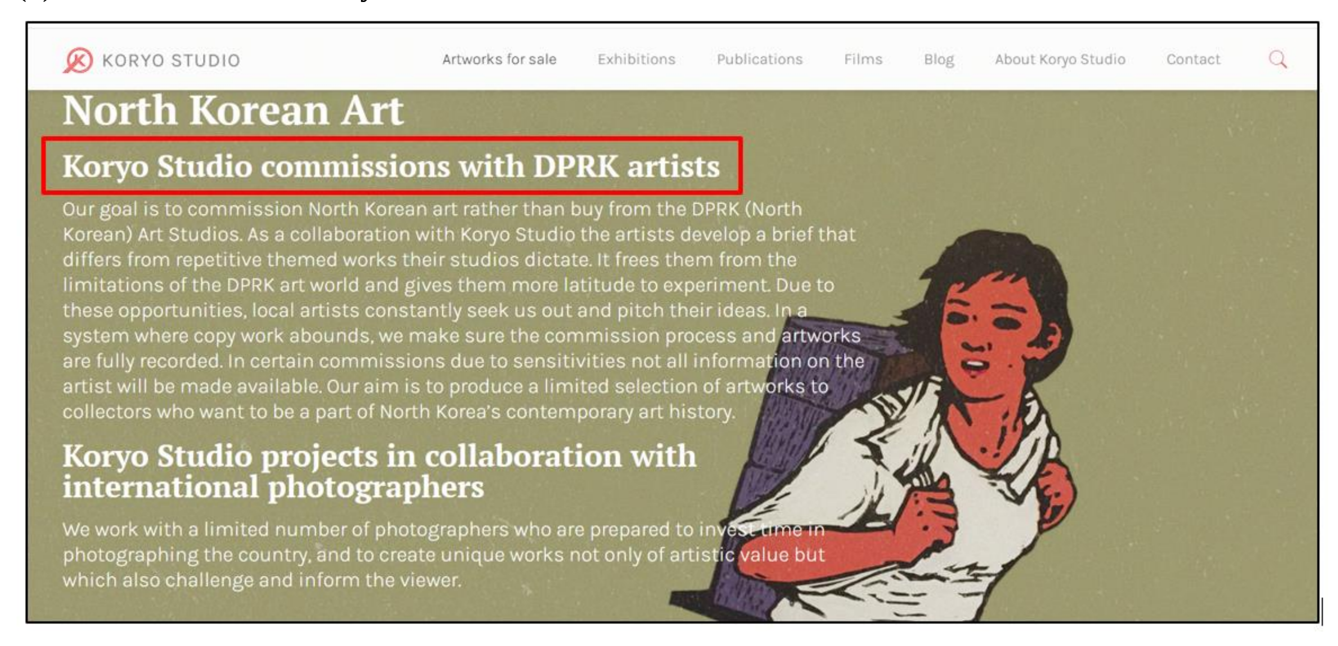
IF YOU'D LIKE TO VISIT FOR YOURSELF, CHECK OUT OUR TOUR LISTINGS AND SEE WHICH ONES OFFER IT! IF YOU CAN'T FIND ONE THAT SUITS YOU, FEEL FREE TO TRY AN INDEPENDENT TOUR INSTEAD!

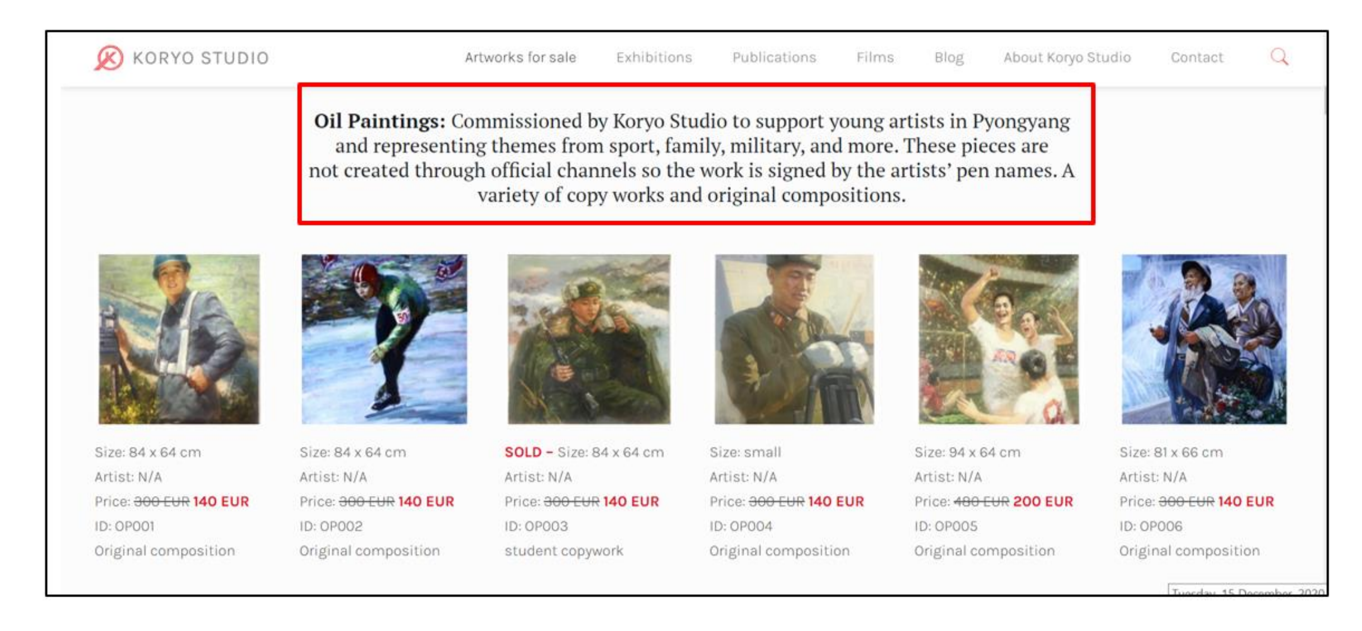
Source: Website of Young Pioneer Tour (accessed 30 December 2020); square was added by the Panel.

[142] Address listed on the reply to the Panel: Leahkena Home, Taphul Road, Siem Reap, Cambodia.

Annex 55: Website and reply of Koryo Studio[143]

(1) Advertisement on Koryo Studio website

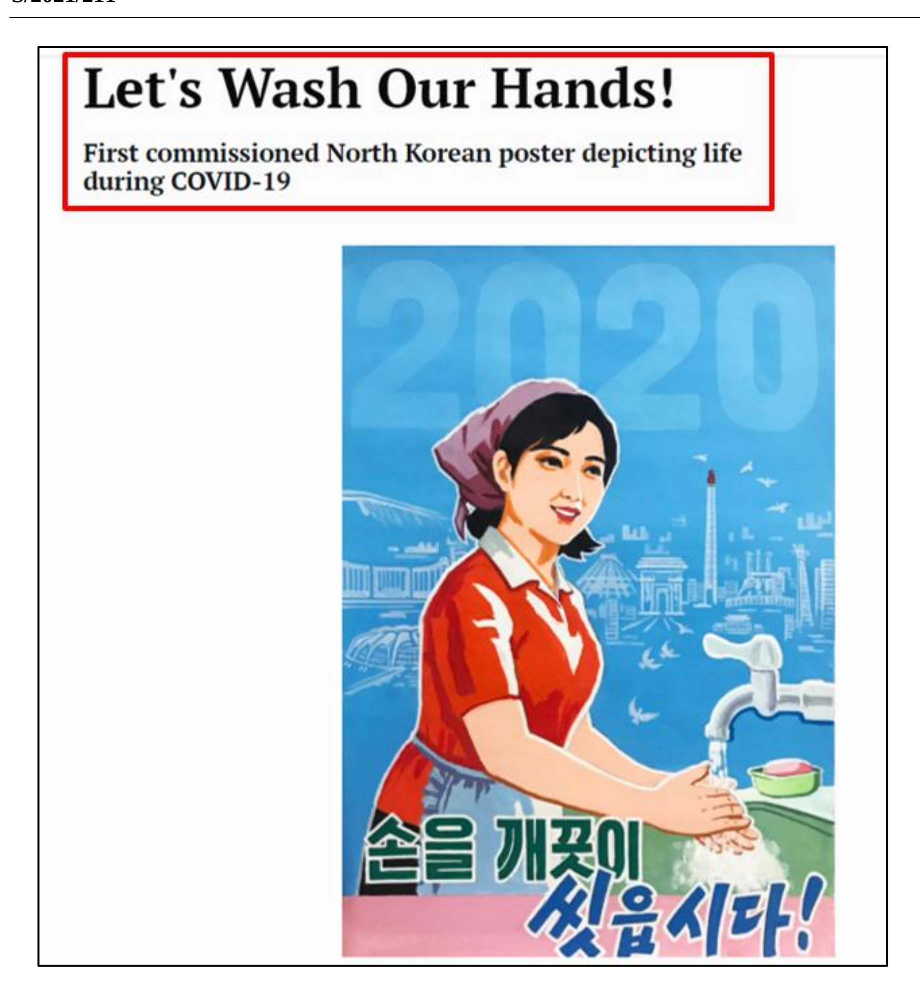




Source: Koryo Studio website, https://koryostudio.com/commissions/ (last accessed 17 December 2020).

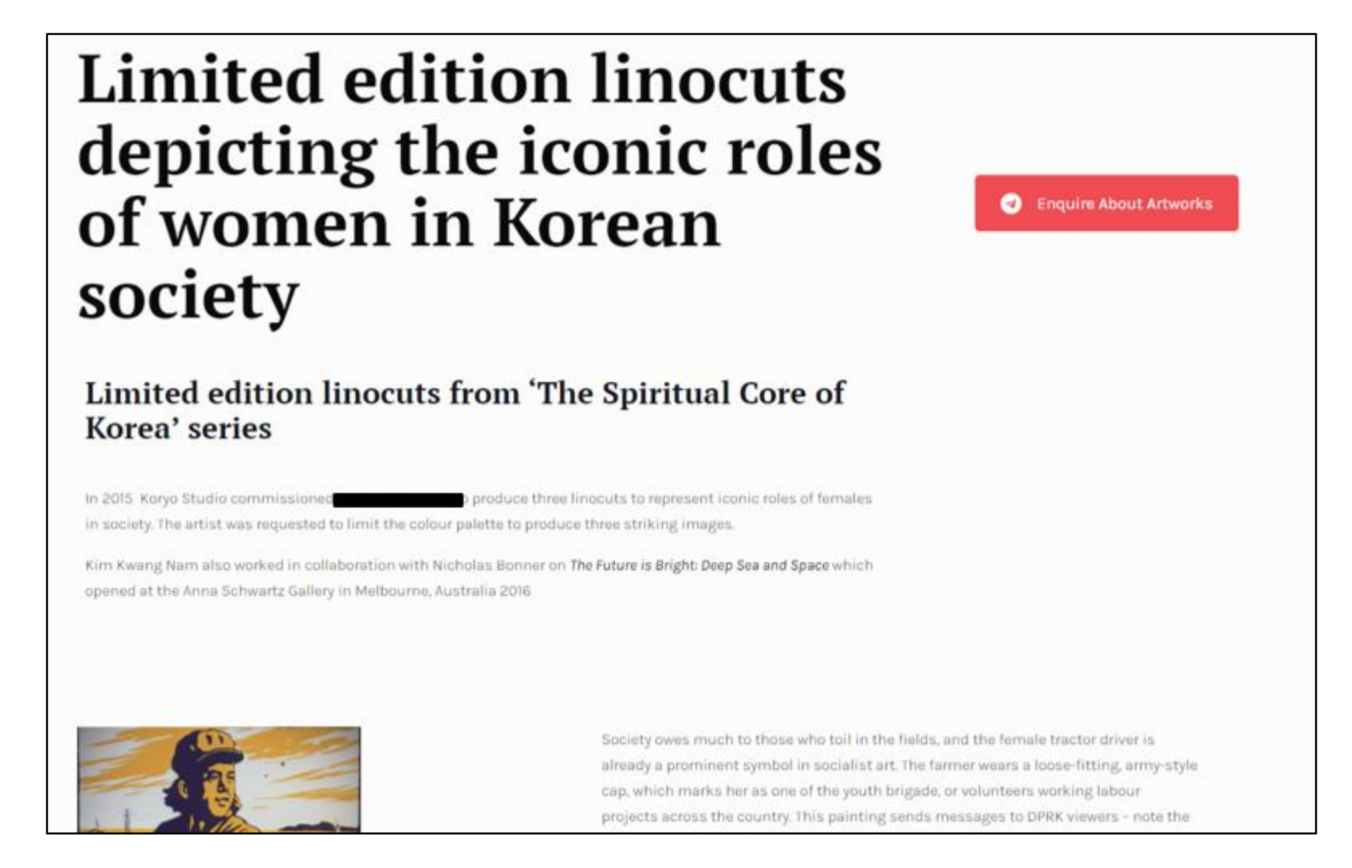
Poster created in 2020

[143] Address: No. 27 Bei San Li Tun Nan East Courtyard, Chaoyang District, Beijing, China. Formerly known as Pyongyang Art Studio.



Source: Koryo Studio Website, https://koryostudio.com/commissions/ (last cccessed 17 December 2020)

Advertisement of the Mansudae artist's artwork



Source: Koryo Studio Website, https://koryostudio.com/commissions/ (last accessed 17 December 2020)

(2) Reply from Koryo Studio founder (excerpt)

I would also just like to note for the information of the Panel that painting propaganda art is a relatively common activity for artists in the DPRK, of which there are hundreds with this ability, working in studios around the country other than Mansudae including Paekho (White Tiger studio), Central Art Studio, Railway Studio (there are about ten studios in Pyongyang alone), as well as art studios in all provinces which produce posters for state use. In addition, there are poster art competitions for amateurs, and several places produce propaganda art by semi-professional artists such as The Foreign Language Bookstore in Pyongyang, DMZ shop, Kaesong Stamp Shop etc. But I would like to just confirm again that we have had no dealings with any artist who had worked for Mansudae or had any affiliation with Mansudae since we cut off our relationship with [redacted] in 2015.

All of the oil paintings listed on our site were painted either in 2001, 2006, 2007 or 2008. The cost of each piece was the equivalent of 30 euros. I have the catalogue of these works which has the dates on the canvas, should you be interested. Again these were all painted before 2009.

With regard to the artwork 'Let's Wash Our Hands', I would like to inform the Panel that on the 30th June 2020 we sent out the following press release to clarify that it was painted by a North Korean artist who was not affiliated with any North Korean entity and was no longer living in North Korea:

> As Koryo Studio director [redacted] who commissioned the piece, from his North Korean artist contacts) put it, "When we realised that North Koreans were being instructed on hygiene rules, we imagined that the message would also be handed out, as it often is, through visual notices in the form of propaganda posters. However, as North Korea was the first country to close and it still remains inaccessible, we had no way of finding out what visual imagery they would be using to prepare their citizens".
>
> Koryo Studio worked with the artist over email and it took a few weeks for us to get the first sketch. By this time, the health emergency was global. We asked the artist to add the year and he did so in such a way as to make it rather striking with '2020' looming behind the diligent hand-washing lady.

Again, we worked with the animation artist who is living in PR China (an employee of one of animation studios in Pyongyang, absolutely no connection with Mansudae Art Studio).

The artists we have commissioned who were connected to Mansudae Art Studio are those who worked on the Asia Pacific Triennial in 2009, [redacted] in 2015 and artist Hwang In Jae, who died in 2015.

Source: The Panel

Annex 56:Replies from Republic of Korea, K-Mecenat Network and Korean Fine Arts

(1)Reply from the Republic of Korea

The Republic of Korea provided the Panel with information concerning artwork exhibited at Odusan Unification Observatory held in 2019 and 2020. According to the reply, "for the Odusan Unification Observatory South/North Art Exhibition, artworks owned by K Mecenat Network and two ROK art collectors were rented. In accordance to Article 16 and 17 of the Personal Information Protection Act, information regarding the ROK art collectors is protected by law. Therefore, the names are provided in an anonymous format."

The Republic of Korea further stated "the artworks displayed at the exhibition are owned by the organizer, K Mecenat Network and ROK collectors. Therefore, no contact, direct or indirect, was made with DPRK nationals, including the Mansudae Overseas Project of Companies." The Republic of Korea provided list of artworks exhibited in 2019 and 2020 at Odusan Unification Observatory, stating "it is extremely difficult to verify the affiliation and job title of the DPRK artists considering the limitation of information due to the clandestine nature of DPRK." The list of DPRK artworks exhibited in 2019 includes the following: Kim Chung Hee, "Tiger in Mt. Baeksu" (unidentified), Son U Yong (Sun Wu Young), "Ripening Autumn" (2006), Jung Chang Mo "Pomegranate" (2007). The list of DPRK artworks exhibited in 2020 includes the following: Jung Chang Mo, "Magnolia Sieboldii" (2008), Son U Yong (Sun Wu Young), "Mt. Geumgang" (2002), Hong Un Seok, "Strong Prosperous, Cultural Country" (2019), "Bright Future of Homeland"(2019), and "Dokdo" (2019).

The Republic of Korea further stated that "Among the artworks displayed at the Odusan Unification Observatory South/North Art Exhibition, the alleged Mansudae Studio affiliated artists are Kim Chung Hee, Jung Chang Mo, and Sun Wu Young. Owners of the displayed artworks, including K Mecenat Network, purchased the artworks in the DPRK from 2010 to 2013." And "after speculative media reports named DPRK artist Hong Un Seok as a Mansudae Art Studio affiliate, the relevant Korean authorities have tried to verify this information through various channels. So far, no such affiliation has been confirmed."

(2) Reply from K-Mecenat Network[144]

Response regarding the "Peace, the wind is coming" South·North Exhibition

Exhibited artworks made in North Korea

o South North Exhibition was hosted by the Institute for Unification Education, and organized by K Mecenat Network to promote inter-Korean reconciliation and peace. Regarding the exhibited artworks made in North Korea, artworks owned by K Mecenat Network and artworks(rented) of 2 South Korean art collectors were exhibited.

o Unfortunately, we do not have sufficient information to confirm the alleged affiliation of the North Korean artists.

[144] The artists reported to be displayed, and enquired regarding affilication to Mansudae include Jeong Chang Mo(정창모), Son U Yong(선우영) and Hong Un Seok(홍운석) . Jeong Chang Mo and Son U Yong have been lisetd as Mansudae Art Studio artits in other exhibitions held prior to the designation of Mansudae Art Studio. "London Korean Links, Mansudae Artists to visit London from DPRK in November", https://londonkoreanlinks.net/2014/09/08/mansudae-artists-to-visit-london-from-dprk-in-november/

<North Korean artworks exhibited in 2019>

	Artist	Title	Year of Production
North Korean (20 pieces)	Gil Jin Sub 길진섭	Harvest 추수	1940s
	Lee Kwe Dae 리쾌대	Flower still life 꽃 정물	1956
	Kim Gi Man 김기만	Yellow magnolia acuminata 황목련	1987
	Kim Man Hyung 김만형	People Swelling Melted Iron 쇳물 붓는 사람들	1957
	Kim Sang Jik 김상직	A Kite at Cheong-bong 청봉의 수리개	1996
	Kim Sung Min 김성민	Jaenggang Dance 쟁강춤	2008
	Kim Chung Hee 김청희	Tiger in Mt. Baekdu 백두산 호랑이	Unidentified
	Ryu Jung Bong 류정봉	Sangpaldam Moonlight of Mt. Geumgang 금강산 상팔담의 달밤	2004
	Moon Hwa Chun 문화춘	Sunrise from Mt. Baekdu 백두산의 해돋이	2000
		Yalu River upstream 압록강 상류	
	Sun Wu Young 선우영	Ripening Autumn 숙성의 가을	2006
	Jung Young Hwa 정영화	Mt. Geumgang 금강산	2010
	Jung On Nyeo 정온녀	Nude 누드	1945
	Jung Chang Mo 정창모	Pomegranate 석류	2007
	Choi Sung Ryong 최성룡	The First Snow 첫눈	2006
	Choi Jae Deok 최재덕	Dissection 해부	1961
	Choi Chang Sik 최창식	Still life 정물	1969
	Choi Jae Nam 최재남	Road to Rungrado May Day Stadium 능라도 5.1경기장 가는 길	1997
	Han Sang Ik 한상익	Mt. Baekdu crater lake 백두산 천지	1971
	Jeon Young 전 영	A pine tree in the winter 설송	2017

Regarding ownership information of the exhibited North Korean artworks

o artworks owned by K Mecenat Network and artworks(rented) of 2 South Korean art collectors were exhibited.

Regarding alleged communication with Mansudae Art Studio

o We made no such contact with North Koreans nor entities of other countries for the purpose of Odusan Unification Observatory South·North Art Exhibition.

Response to media's allegation

o The artworks of the alleged artists owned by K Mecenat Network and South Korean art collectors were purchased in South Korea prior to the UNSC North Korea Sanction designation(2017). Their artworks were purchased in South Korea between 2010-2013. Therefore, the artworks are not subject to the UNSC sanctions.

o After the media reports on Hong Un Seok(홍운석)'s Mansudae Art Studio affiliation, we have tried to check his affiliation in many ways. But no official information has been confirmed regarding the alleged Mansudae Art Studio affiliation.

Source: The Panel

(3) Reply from Korean Fine Arts Association

Concerning the two exhibitions held in 2018 and 2019 in which artwork of Kim Cheong Hee was displayed, Korean Fine Arts Association (KFAA) replied that according to the staff who worked in 2018, the artworks displayed in the exhibitions in 2018 and 2019 were leased for free of charge by collectors in the ROK (2018) and China (2019) and has been returned to ROK collector or will be returned to China. KFAA also provided

the list of artworks exhibited at the National Assembly in 2019. The list includes two artworks of Kim Chung Hee. KFAA stated that according to the collector in China the two artworks exhibited in 2019 were both produced in 2009. The Panel requested relevant document to support the statement.

Annex: 57: Congo Aconde

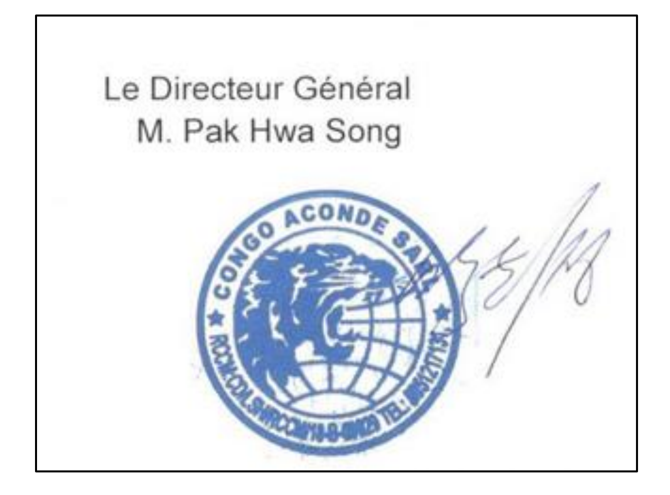
Procurement of statues from the Democratic People's Republic of Korea has been prohibited since 2016 pursuant to paragraph 29 of resolution 2321(2016).

Congo Aconde SARL, headed by Mr. Pak Hwa Song and Mr. Hwang Kil Su was involved in projects to build several statues in the Lualaba and Haut-Lomami provinces, DRC, from 2018 to at least late 2019. Based on the information seen by the Panel, the Panel considers Congo Aconde to be a front company for the state-run Paekho Trading Company, which exports artwork including statues created by Paekho Art Studio (Figure).

The Panel also notes the passport of Mr. Pak and Mr. Hwang were issued on 14 July 2014, which suggests that they may have been active overseas since 2014 (Annex 79, 80). The Panel is investigating their overseas activities before the establishment of the Congo Aconde. The Panel has not yet received reply from the Democratic Republic of Congo. For detail of the case see finance section.

Figure : Congo Aconde's letter head (top left), company's seal (bottom left) appared on Request for Surety Bond and certificate of Paekho Trading Corporation for artwork







조선백호무역회사작품검사위원회

KOREA PAEKHO TRADING CORPORATION
PRODUCT INSPECTION COMMTTEE

조선민주주의인민공화국 평양시 대동강구역 청류3동 Tel:00850-2-18111
Chongryu No.3 dong, Taedonggang District, Pyongyang, DPRK Fax:00850-2-3814692

작품보증서
Certificate

작 품 명 / Product Name: 향산의 여름 / A summer of Hyangsan
창작가명 / Artist Name: 김일찬 / Kim Il Chan
창작년도 / Product Date: 2008

이 제품은 조선민주주의인민공화국 백호무역회사에서 창작되였음을 확인함

This is to certify that the product is made in the Paekho Trading Corporation

조선백호무역회사작품검사위원회
Korea Paekho Trading Corporation
Product Inspection Committee

Source: The Panel

Annex 58: Reply from Romania



PERMANENT MISSION OF ROMANIA
TO THE UNITED NATIONS

The Ambassador,
Permanent Representative

No. 7519

New York, 19 November 2020

Dear Mr. Coordinator,

We are writing in reference to your letter no. S/AC.49/2020/PE/OC.20 concerning the implementation of international sanctions imposed on the Democratic People's Republic of Korea (DPRK) in Romania, and in addition to our letter of 4 August 2020, we have the honor of providing supplementary information.

According to the outcome of the investigations carried out by the Romanian competent authorities, 44 legal/natural persons entered into lease agreements with IMA PARTNERS SRL regarding the building located at 28 – 36 Șoseaua Nordului, 1st District, Bucharest.

Based on the above-mentioned lease agreements, during the period 1 January 2018 and 30 June 2020, the rent collected by IMA PARTNERS SRL amounted to a total of 2.693.380 RON (approx. 653.700 USD), most of the money being wire transferred.

Further detailed information on the businesses and transactions operated in relation to the premises are provided in the attached document.

Within the aforementioned reference interval, no transactions - neither cash, nor wire transfers - were identified between IMA PARTNERS SRL and the DPRK Embassy. Furthermore, as we had mentioned in our previous letter, according to the statements of the two parties, the lease agreement concluded between IMA PARTNERS SRL and the DPRK Embassy was terminated as of 10.11.2017. The company continues the sublease agreements in relation to the building, invoking a retention title for investments made in the premises. The representative of the company declared in writing that no payments had been made to the DPRK between 1 January 2018 and 30 June 2020.

Romania will continue to take all necessary measures aimed at ensuring an adequate application of UNSC Resolutions. Moreover, we would like to express our availability to continue our close and open cooperation with this Panel.

Please accept, Mr. Coordinator, the assurances of my highest consideration.

Dr. Ion I. Jinga

Annex: List of parties to lease agreements with IMA PARTNERS SRL

[redacted]

Coordinator of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009)
United Nations

573-577 3rd Avenue, New York, NY 10016
Phone: (212) 682-3273, (212)682-3274, Fax: (212) 682-9746
E-mail: newyork-onu@mae.ro http://mpnewyork.mae.ro

Annex 59: Excerpts from lease agreement and addendum between the Embassy of DPRK to Romania and S.C. Ima Partners S.R.L.

This annex is confidential.

Annex 60: Information on the sales of Mercedes vehicles to LS Logistica & Spedizioni SRL

For what concerns the relationship with LS, European informs the Panel that during 2018 Europ sold to LS ITALIA three more Mercedes as indicated as follows:

Vehicle	Car Chassis	Plate	N. Contr.	Date Contr.	Invoice No.	Invoice Date	Delivery
Mercedes S600 Guard	WDD2221761A35648 8	FN035C H	121/17	27/12/17	20	03/04/1 8	13/02/18
Mercedes S650 MAYBACH	WDD2229801A35165 5	FR839RD	62/18	25/06/18	44	07/08/1 8	10/12/18
Mercedes S600 PULLMAN	WDD2229761A33335 7	FN144YT	27/18	06/03/18	49	26/09/1 8	12/03/19

For these three Mercedes the Complaint of the Termination of Movement with PRA has been made January 10, 2020.

Source : The Panel

Annex 61: Images of Mercedes brand vehicles (Maybach Pullman W221, W221 restyling, S600 Landaulet) used by the DPRK leadership



Source :https://autoreview.ru/news/daimler-ne-v-kurse-gde-kim-chen-yn-vzyal-svoi-mersedesy

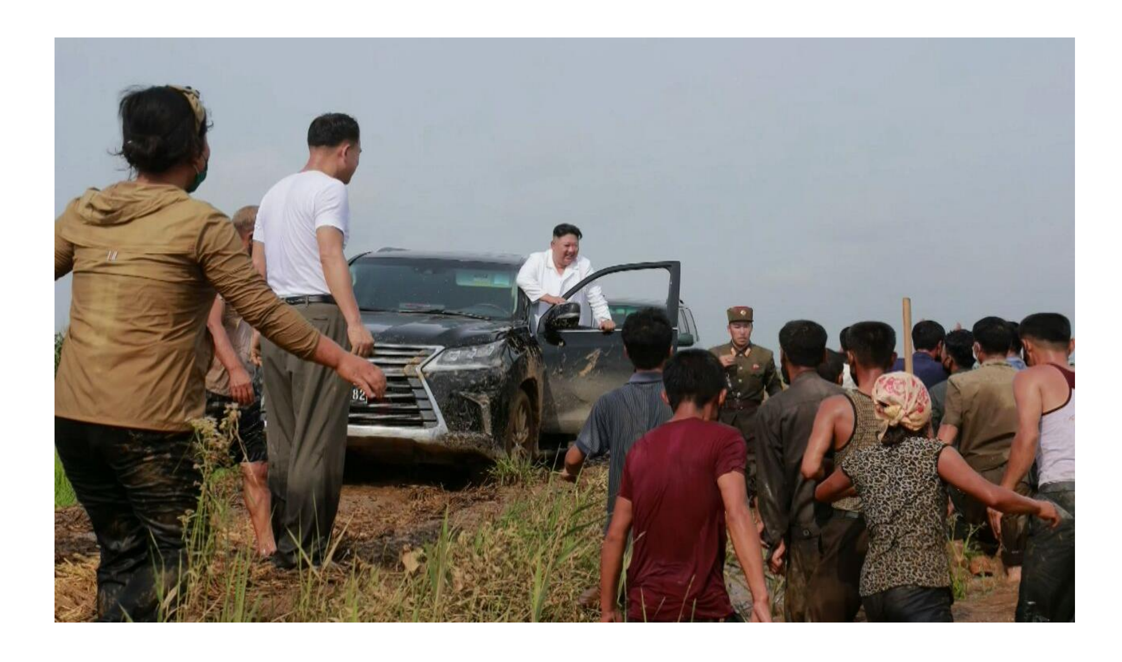


Source : https://vladnews.ru/2019-04-24/150341/prezidentskiy_kortezh



Source : https://www.drive2.ru/c/471173169168777960/

Annex 62: Images of Lexus LX 570 vehicle used by Kim Jong Un (Agust 2020)





Source: KCTV

Annex 63 : Reply Letter from Singapore



PERMANENT REPRESENTATIVE OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS I NEW YORK

15 September 2020

[redacted]
Coordinator
United Nations Security Council Panel of Experts established pursuant to Resolution 1874 (2009)

[redacted]

I write to inform you of the Singapore Government's forfeiture of a shipment of wine allegedly bound for the Democratic People's Republic of Korea (DPRK).

Singapore received information from a Member State in January 2020 concerning an allegedly DPRK-bound shipment of alcohol that transhipped in Singapore from 7 to 10 January 2020. The shipment was held for checks while in Singapore, and was seized by Singapore authorities on 31 January 2020.

According to the invoice and packing list submitted by the shipping agent, the shipment of wine was supplied to Sangmyong General Trading Corporation ("Sangmyong"). The hygiene certificate submitted by the shipping agent identified Sangmyong as the importer. The Panel would recall that Sangmyong had previously been identified as an entity that had actively violated Japan's ban on luxury goods trade with the DPRK in the Panel's reports S/2012/422 (2012) and S/2013/337 (2013). Sangmyong is also listed by the Dow Jones Risk Center as an "entity fully owned by the OFAC comprehensively sanctioned government of North Korea via the Korean Worker's party".

Under Regulation 5(a) of Singapore's United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2010, "no person in Singapore and no citizen of Singapore outside Singapore shall supply, sell or transfer, directly or indirectly, any designated export item or designated luxury item to any person in the DPRK, whether or not the item originated in Singapore".

318 East 48th Street, New York, NY 10017, United States of America | T +1 (212) 826 0840 F +1 (212) 826 2964 | mfa.gov.sg/newyork

ANNEX



APPLICATION PURSUANT TO REGULATION 17(1) OF THE UNITED NATIONS (SANCTIONS – DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) REGULATIONS 2010

Third Report of Deputy Chief Superintendent of Customs [redacted], made in support of the application of the Attorney-General under Regulation 17(1) of the United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2010 ("**UN DPRK Regulations**"), before the undersigned District Judge, State Courts of the Republic of Singapore, on **25 August 2020**.

Items seized vide Report/Case No.: C2003520/IP/01

2. As stated in the First Report of DCSC [redacted] filed on 11 August 2020 (the "**First Report**"), Singapore Customs seized the following goods on 31 January 2020 in exercise of its powers under Regulation 14A of the UN DPRK Regulations read with Sections 34 and 35 of the Criminal Procedure Code (Cap. 68) ("**Seized Goods**"):

(a) 1158 cases x 4 boxes x 3 litres of Dry Red Wine;
(b) 50 cases x 12 packets x 1 litre of Orange Juice;
(c) 25 cases x 12 packets x 1 litre of Summer Pine Juice;
(d) 25 cases x 12 packets x 1 litre of Medly of Fruit Juice;
(e) 49 cases x 12 packets x 1 litre of Mango Juice; and
(f) 25 cases x 12 packets x 1 litre of Secrets of the Valley Juice.

Reports filed by Singapore Customs on 11 August 2020 and 21 August 2020

3. The background facts and outcome of Singapore Customs' investigations are set out in detail in the First Report. To summarise, shipping documents revealed that Sangmyong General Trading Corp ("**SGTC**") was the client / receiver of the Seized Goods. Korea Sangmyong General Trading Corporation (also known to Singapore Customs as SGTC) was flagged by the United Nations Panel of Experts as a "DPRK end-user" in its 2013 Report[1] and its 2012 Report[2] for its involvement in the smuggling of luxury goods into the DPRK.

4. As stated in the Second Report of DCSC [redacted] filed on 21 August 2020 (the "**Second Report**"), Singapore Customs gave notice of the application to five parties that appeared to have an interest in the Seized Goods, pursuant to Regulation 17(3) of the UN DPRK Regulations. As at 20 August 2020, two parties had indicated that they would not be contesting the forfeiture of the Seized Goods. As at 25 August 2020, there

[1] Report of the Panel of Experts (S/2013/337).
[2] Report of the Panel of Experts (S/2012/422).

1

Source: Member State

Annex 64 : Reply from Singapore on SINSIMS

Source: Member State

Annex 65: DPRK cyber threat actors in the Reconnaissance General Bureau (KPe.031)

The United States, in a published document, assessed that most of the country's cyber operations take place in the Cyber Warfare Guidance Unit (aka Bureau 121) of the Reconnaissance General Bureau, which has more than 6,000 members with many of them operating from overseas. According to the document, three cyber threat actors – Lazarus, Andariel and Bluenoroff – belong to the Cyber Warfare Guidance Unit, and the Andariel group has about 1,600 members and the Bluenoroff Group has about 1,700 members. The document did not specify the size of the Lazarus group. The United States considers the Andariel and the Bluenoroff as subgroups of Lazarus.

Source:https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN30043-ATP_7-100.2-000-WEB-2.pdf

Annex 66: Reply from Japan on a suspect of DPRK-linked ATM heist

The Panel previously investigated cyberattacks against financial institions and cryptocurrency exchanges based on information from a Member State (S/2019/691, paras. 57-68 and annex 21), and the Panel notes that the cases correspond to the activities of BeagleBoyz, a newly identified cyber threat actor of the DPRK.

The Panel enquired of Japan about a suspected ringleader of an ATM heist using stolen credentials from a foreign bank who reportedly[145] fled from Japan to the DPRK after the attack. Japan replied: "[T]he Police of Japan and the relevant authorities have been continuing thorough investigation of this case. With regard to the media article quoted in the Panel's letter, there is no confirmed information as of 29 January 2021 that indicates connection between the suspects arrested with the case, including [(readacted), (redacted), (redacted), (redacted)], and North Korea, including their contacts with any North Korean individuals/entities."

145 https://english.kyodonews.net/news/2020/04/2b45db5e313b-suspected-ringleader-of-huge-coordinated-atm-scam-entered-n-korea.html#:~:text=A%20man%20believed%20to%20be,incident%2C%20investigative%20sources%20said%20Saturday.&text=The%20fake%20credit%20cards%20used,from%20South%20Africa's%20Standard%20Bank

Annex 67: Football players

Several football players of the Democratic People's Republic of Korea earn income at teams abroad.[146] The Panel is seeking information on the current situation of the three football players, Mr. Choe Son Hyok, Mr. Pak Kwang Ryong and Mr. Han Kwang Song. Italy informed that Mr. Choe was still in Italy due to the suspension of international flights to enter the DPRK. Concerning Mr. Pak, Austria replied that "there is no further information on this case that we have not shared with the panel of experts already." Qatar replied with information about Mr. Han's deportation in January 2021 (figure 1). Several media reported that a Russian football team FC-Tambov was planning to contract with Mr. Han (igure 2), while the Panel has not received a reply from the team. Concerning several football players who played in Japan and the Republic of Korea,[147] Japan replied "the Government of Japan has generally banned the entry of any DPRK nationals into Japan, and there are no nationals of the DPRK whose repatriation is required pursuant to paragraph 8 of UNSC Resolution 2397(2017)". Japan provided information regarding the football players requesting not to "disclose the information considering that it includes personal information." The Republic of Korea replied, "No DPRK worker has been granted work authorization or entered the Republic of Korea since the adoption of UN Security Council Resolution 2375 on 11 September 2017. Please note that requested information on individuals cannot be provided in accordance with Articles 16 and 17 of the Personal Information Protection Act of the Republic of Korea."

The Panel is further collecting information on several cases reported by a media outlet[148] in which students from the Democratic People's Republic of Korea in Russian universities were illegally working at construction sites. It is reported that in one case, such students were arrested and fined 2000 rubles. In another case, students were arrested but released as they had been working under an internship program (figure 3).

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[146] S/2020/151, para. 132, S/2020/840, paras.127-128.

[147] Information was collected from various sources including websites of football teams and Korean Football Association in Japan(在日朝鮮人蹴球協会). This association is listed as "a centaral level organizations" by the General Associaion of Korean Residents in Japan, and sharing address with Chugai Travel Co. Ltd. (See embargo section).

[148] BBC, https://www.bbc.com/russian/features-55447145.

Figure 1: Reply from Qatar concerning Mr. Han Kwang Song

Permanent Mission of the
State of Qatar to the United Nations
New York



الوفد الدائم لدولة قطر
لدى الأمم المتحدة
نيويورك


URGENT





The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Coordinator of the Panel of Experts established pursuant to Security Council resolution 1874 on the Democratic People's Republic of Korea and has to honour to refer to its note verbale dated 26 January 2021 (ref. 2021/006564/5) regarding the DPRK football player Mr. Han Kwang Song, which conveyed that, in keeping with the commitments of the State of Qatar per the provisions of Security Council resolutions concerning DPRK nationals earning income abroad, he had been terminated from Al Duhail Sports Club and no longer has any association with the club, and that he would depart from the State of Qatar.

In that regard, the Permanent Mission of the State of Qatar has the further honour to inform the Panel of Experts that the relevant authorities of the State of Qatar have confirmed that Mr. Han Kwang Song has departed Doha on Tuesday 26 January 2021 at 08:05 a.m. on board Qatar Airways flight no. QA131.

The Permanent Mission of the State of Qatar to the United Nations avails itself of this opportunity to renew to the Panel of Experts established pursuant to resolution 1874 the assurances of its highest consideration.



New York, 29 January 2021

[redacted]
Coordinator
Panel of Experts on the DPRK established pursuant to UNSC resolution 1874
United Nation
New York
Email: dppa-poe1874@un.org; [redacted]

809 U.N. Plaza • 4th Floor • New York, NY 10017 • U.S.A. • Tel: (212) 486-9335 • Fax: (212) 758-4952

Source: Member State

Figure 2: Media report dated 25 August 2020

«Тамбов» может арендовать бывшего северокорейского игрока «Ювентуса»

25 августа 2020, 12:38автор Сергей Рябкин

Нападающий катарского «Аль-Духайль» Хан Кван Сон может продолжить карьеру в «Тамбове». Источник Betting Insider сообщает, что клуб РПЛ сделал предложение об аренде северокорейца.

21-летний форвард ранее выступал за «Кальяри» и стал первым северокорейским футболистом, забившим в Серии А.

Летом 2019 году Хан Кван Сона за 5 млн евро приобрел «Ювентус» – он провел 17 матчей за вторую команду чемпионов Италии в третьем дивизионе и не забил ни одного мяча. Уже в зимнее трансферное окно «Юве» продал нападающего в Катар.

Отметим, что Transfermarkt оценивает северокорейца в 2,7 млн евро.

Source: Betting Insider, https://betting.team/ru/blog/tambov-khan

(Summary in English)

The forward of Qatari Al-Duhail Han Kwang Song may continue his career at Tambov. A Betting Insider source reports that the club has made an offer to lease Mr. Han. In the summer of 2019, Han Kwan Song was bought by Juventus for 5 million euros. In winter Juventus sold Han to Al-Duhail.

Figure 3: Media report concerning work of DPRK students (excerpt)

(English translation)

North Korean students outside of Russian laws. Why do they come to Russia?

Anastasia Napalkova

BBC

28 December 2020

Because of United Nations sanctions, workers from North Korea have stopped coming to Russia. But North Korean students who want to learn the Russian language or graduate from a local university do come. The authorities then find some of these students at construction sites in the Far East. What happens to them after that?

Several students from the Democratic People's Republic of Korea (DPRK) were detained at the construction site of an apartment building in Irkutsk in February 2019. According to Interior Ministry officials, they were working there as construction workers, without a work permit.

Among the detainees was an assistant brigadier: he received instructions from his superiors and distributed them among the workers, the court materials say. His name is not in the court documents.

When detained, he explained to the police that he had "arrived in the territory of the Russian Federation for the purpose of employment" and that he had obtained a student visa solely for entry into the country. Since early January 2019, he "along with fellow DPRK nationals" had been "working at the construction site without permits," according to court filings.

Once in court, the DPRK citizen retracted his earlier explanation, stating that he and his comrades were at the construction site not for work, but "on a tour from an educational institution".

In the courtroom, he was unable to say the name of the institution, its address, programme, cost and period of study. A construction site guard told Interior Ministry officials that 10 to 15 DPRK citizens were living at the construction site in the back rooms.

The court fined the student 2 thousand roubles without deportation from Russia.

There are dozens of such cases in the "Justice" State automated data system. Some students are less fortunate. In Bashkortostan, a court ordered the expulsion of student An. G. Ch. from Russia with a fine of 2 thousand roubles because he was working, although he had come to study.

Hiring unauthorized citizens is also perilous for companies. A court decided to suspend the operations of "Stroy Alliance" in Vladivostok for 14 days because a worker from DPRK, who had arrived as a student at Primorsky Polytechnic College, was found building a multi-level parking lot.

Others are luckier. For example, the court cases were dismissed against students Chon Her Cher and Cho Kym Men from Artem Regional Technical College.

The Migration Service found them assembling fittings at a construction site. The students said that they were doing internships, which was consistent with the academic schedule, plus there was no evidence that they were getting paid for their work. The court accepted these arguments.

DPRK citizens have become more frequent visitors to Russia for private, tourist and educational purposes in recent years (not counting 2020), as shown by data from the border service of Russia's Federal Security Service. At the same time, the number of work trips has dwindled to nothing: United Nations sanctions prohibiting new employment contracts with North Korean nationals were enacted in 2017. The contracts already in place expired in December 2019. Work trips of DPRK citizens to Russia then stopped.

Bringing in workers disguised as students?

From 5 August 2020, foreign students in Russia can officially work in their free time, and no special permission is required. State Duma deputy Kazbek Taisaev suggested in a conversation with the BBC that this law could help the situation of DPRK citizens who are forced to leave Russia.

According to court records, there has been at least one attempt to bring North Korean workers to Russia, first by sending them there to study. True, this was back in 2018, before the law was adopted allowing students to work, but after the ban on work contracts with DPRK nationals.

The trial took place in September 2020 between two private individuals in Smolensk: Evgeny Pivnyak approached Inessa Skakova for help – he asked her to arrange for 96 DPRK citizens to study in Russia. This was "necessary for business, so that the citizens could legally work in Russia," says the case file from the witness testimony.

Skakova testified that Pivnyak planned to employ them after they had learned Russian. The cost of enrolling one student under their agreement was 10 thousand roubles. Pivnyak transferred an advance payment of 500,000 roubles.

Skakova, as an "agent", was able to arrange for the DPRK citizens to enrol in the "Academy of Additional Education" to study Russian. But in order to start studying, the State fee had to be paid: the parties argued about who should pay it.

It is not entirely clear whether the DPRK citizens were required to enter Russia specifically on a student visa. Another obscure point is that the case file indicates that the DPRK nationals were to work as "highly skilled labour", but learning Russian is not mandatory for this category of workers, said lawyer Sofia Batura, deputy general director of Confidence Group.

Pivnyak could not be contacted, Skakova did not respond to the letter from the BBC and the educational institution's phones were not working.

The “agent” who found the educational institution for the North Koreans, according to the case file, worked for “Megalayn” LLC as the project manager for the reconstruction of a military unit in Krasnoye Selo in 2013.

At that time there were only two construction companies with that name registered in St. Petersburg. One of them is linked to Evgeny Prigozhin and was a contractor for the Ministry of Defence on many projects. There is no evidence that DPRK nationals have worked on projects for the Department of Defence or for “Megalayn”.

“Defectors”

Some citizens from DPRK who came to Russia do not want to return to their home country even after their visa expires. These are, first and foremost, migrants workers. They are trying to obtain temporary asylum and refugee status in Russia.

“Such appeals are isolated cases,” says Novosibirsk-based lawyer Anna Gulevich, who assists DPRK citizens in the courts. She says that, following the adoption of United Nations sanctions, lawyers had expected an increase in the number of DPRK nationals seeking asylum. But that did not happen. “They probably didn’t know that they were leaving Russia for good,” she explains.

Lawyer Tatyana Tyutyunnik from Vladivostok is now defending four DPRK citizens who did not want to return to their home country. Some took advantage of this opportunity, including against the backdrop of the coronavirus pandemic. “If there was no coronavirus, they would have gone home, but they stayed and decided to seek help,” she says.

(**Original**)

Северокорейские студенты вне российских законов. Зачем они приезжают в Россию?

Анастасия Напалкова

Би-би-си

28 декабря 2020

Из-за санкций ООН в Россию перестали приезжать рабочие из Северной Кореи. Зато приезжают северокорейские студенты, которые хотят изучить русский язык или закончить местный вуз. Власти находят потом некоторых из этих студентов на стройках на Дальнем Востоке. Что с ними после этого происходит?

На стройке жилого дома в Иркутске в феврале 2019 года были задержаны несколько студентов из КНДР. По версии сотрудников МВД, они работали там строителями, не имея разрешения на работу.

Среди задержанных был помощник бригадира: он получал указания от начальства и распределял их среди рабочих, говорится в материалах суда. Его имени в судебных документах нет.

При задержании он объяснил полицейским, что "прибыл на территорию РФ с целью "работа по найму"", а учебную визу оформил исключительно для въезда в страну. С начала января 2019 года он

"вместе с земляками - гражданами КНДР работает на строительном объекте без разрешительных документов", - говорится в материалах суда.

Уже в суде гражданин КНДР отказался от своих прежних объяснений, заявив, что он и его товарищи были на стройке не по работе, а "на экскурсии от учебного заведения".

В зале суда он не смог сказать название учебного заведения, его адрес, программу, стоимость и период обучения. Охранник стройки сказал сотрудникам МВД, что 10-15 граждан КНДР живут на строительной площадке в подсобных помещениях.

Суд оштрафовал студента на 2 тыс. рублей без выдворения с территории России.

Таких дел в базе ГАС "Правосудие" десятки. Некоторым студентам везет меньше. В Башкортостане суд постановил выдворить студента Ан Г. Ч. из России со штрафом 2 тыс. рублей, потому что он работал, хотя приехал для учебы.

Приглашать на работу граждан, не имеющих разрешения, чревато и для компаний. Суд принял решение приостановить деятельность компании "Стройальянс" во Владивостоке на 14 суток, потому что на строительстве многоуровневой парковки был обнаружен работник из КНДР, который приехал как студент Приморского политехнического колледжа.

Другим везет больше. Так, судебные дела против студентов Регионального технического колледжа из города Артем по имени Чон Хер Чер и Чо Кым Мен были прекращены.

Миграционная служба обнаружила их за монтажом арматуры на стройке. Студенты говорили, что проходят практику, что соответствовало учебному графику, к тому же не было доказательств, что они получают деньги за работу. Суд принял эти аргументы.

Граждане КНДР в последние годы стали чаще приезжать в Россию с частными, туристическими и учебными целями (не считая 2020 года), следует из данных пограничной службы ФСБ России. В то же время, количество рабочих поездок сошло на нет: в 2017 году были приняты санкции ООН, запрещающие заключать новые трудовые договоры с гражданами Северной Кореи. Действие уже заключенных договоров закончилось в декабре 2019 года. Тогда же прекратились рабочие поездки граждан КНДР в Россию.

Привезти рабочих под видом студентов?

С 5 августа 2020 года иностранные студенты в России могут официально подрабатывать в свободное от учебы время, и специальное разрешение на это не требуется. Депутат Госдумы Казбек Тайсаев предполагал в беседе с Би-би-си, что этот закон может помочь положению граждан КНДР, которые вынуждены покидать Россию.

Согласно материалам судов, была как минимум одна попытка привезти в Россию северокорейских рабочих, сначала отправив их на учебу. Правда, это было в 2018 году, еще до принятия закона, позволяющего студентам работать, но после запрета на заключение рабочих договоров с гражданами КНДР.

Суд происходил в сентябре 2020 года между двумя частными лицами в Смоленске: Евгений Пивняк обратился к Инессе Скаковой за помощью - он просил её устроить 96 граждан КНДР на учебу в России. Это "необходимо для бизнеса, чтобы данные граждане могли законно трудиться на территории России", говорится в материалах дела со слов свидетеля.

Со слов Скаковой записано, что Пивняк планировал их трудоустройство после изучения русского языка. Стоимость устройства на учебу одного студента по их договоренности составила 10 тыс. рублей. Пивняк перевел предоплату 500 тысяч рублей.

Скакова в качестве "агента" смогла организовать поступление граждан КНДР для обучения русскому в "Академию дополнительного образования". Но для начала обучения нужно было еще оплатить госпошлину: стороны спорили, кто должен ее платить.

Не до конца ясно, должны ли были граждане КНДР въехать в Россию именно по учебной визе. Еще один неясный момент - в материалах дела указано, что граждане КНДР должны были работать как "высококвалифицированная рабочая сила", но изучение русского не является обязательным для этой категории работников, говорит юрист София Батура, заместитель генерального директора Confidence Group.

Связаться с Пивняком не удалось, а Скакова не ответила на письмо Би-би-си, телефоны учебного заведения не работают.

"Агент", которая нашла для северокорейцев учебное заведение, согласно материалам дела, работала в ООО "Мегалайн" начальником проекта по реконструкции воинской части в Красном селе в 2013 году.

В то время в Санкт-Петербурге было зарегистрировано только две строительные компании с таким названием. Одна из них связана с Евгением Пригожиным и была подрядчиком минобороны по многим проектам. Данных о том, что граждане КНДР трудились на проектах минобороны или "Мегалайна", нет.

"Перебежчики"

Некоторые граждане из КНДР, приехавшие в Россию, не хотят возвращаться на родину даже после окончания визы. В первую очередь речь идет именно о трудовых мигрантах. В России они пытаются получить временное убежище и статус беженца.

"Такие обращения - это единичные случаи", - говорит адвокат Анна Гулевич из Новосибирска, которая помогает гражданам КНДР в судах. По ее словам, после принятия санкций ООН юристы ждали роста числа граждан КНДР, которые добиваются убежища. Но этого не произошло. "Скорее всего, они не знали, что уезжают из России навсегда", - объясняет она.

Адвокат Татьяна Тютюнник из Владивостока сейчас защищает четверых граждан КНДР, которые не захотели возвращаться на родину. Некоторые воспользовались этой возможностью в том числе на фоне пандемии коронавируса. "Если бы не было коронавируса, они уехали бы домой, а так остались и решили обратиться за помощью", - говорит она.

Source: BBC website, https://www.bbc.com/russian/features-55447145

Annex 68 : Replies from Nigeria to the Panel concerning bilateral agreement in the field of health and medical sciences with the DPRK

(1) Letter dated 23 September 2020



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS
828 SECOND AVENUE
NEW YORK, N.Y. 10017
TELEPHONE (212) 953-9130
FAX (212) 697-1970

Ref.No. PMN/DPR/15

September 23, 2020

Your Excellency,

REPORT OF THE FEDERAL REPUBLIC OF NIGERIA ON THE IMPLEMENTATION OF THE MEASURES IMPOSED ON THE DEMOCRATIC PEOPLES' REPUBLIC OF KOREA (DPRK) BY SECURITY COUNCIL RESOLUTION 2397 (2017)

We wish to refer to your letter with ref. No. S/AC.49/2020/PE/OC.167 of June 29, 2020, requesting for an update on the current repatriation process for DPRK nationals earning income in Nigeria and other sundry matters.

2. We wish to note that, even before your aforementioned inquest, the Nigeria Immigration Service (NIS) had further discovered that additional Thirty-Seven (37) DPRK nationals were present in some states of the federation.

3. Following the above discovery, the Minister of Interior proceeded to grant approval for their subsequent deportation in March 2020. However, the outbreak of Covid-19 and the ensuing lockdown, as well as restrictions of international flights have stalled the deportation process. In addition, the NIS has notified the state governments of the federation on the need to abide by UNSC resolutions on the employment of DPRK nationals.

4. With regard to the operation of Haekumgang Trading Corporation in Nigeria, investigations have revealed that the company is neither domiciled nor operational in Nigeria.

5. With respect to enquiries made on the implementation of the Bilateral Agreement in the field of health and medical sciences between Nigeria and DPRK, it is pertinent to note that based on the terms of the Agreement, 'Parties shall bear the cost of its personnel and where there is a joint project the cost shall be shared between the parties except otherwise agreed'. Nigeria will continue to implement Security Council resolutions and fulfill its international obligations.

6. Please accept, Excellency, the assurances of my highest consideration.

[redacted]

Ambassador Samson S. Itegboje
Deputy Permanent Representative
Permanent Mission of Nigeria to the United Nations

(2) Letter dated 4 November 2020



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS
828 SECOND AVENUE
NEW YORK, N.Y. 10017
TELEPHONE: (212) 953-9130
FAX: (212) 697-1970

Ref.No: PMN/DPR/15

November 4, 2020

[redacted]
Coordinator of the Panel of Experts established pursuant to Security Council Resolution 1874 (2009)

Your Excellency,

RE: REPORT OF THE FEDERAL REPUBLIC OF NIGERIA ON THE IMPLEMENTATION OF THE MEASURES IMPOSED ON THE DEMOCRATIC PEOPLES' REPUBLIC OF KOREA (DPRK) BY SECURITY COUNCIL RESOLUTION 2397 (2017)

Further to our letter of even reference dated September 23, 2020 on the Implementation of the Measures Imposed on the Democratic People's Republic of Korea (DPRK) by Security Council Resolution 2397 (2007). Kindly find attached herewith, document (Annex B) containing the names, passport number, company name, address and location of the thirty-seven (37) DPRK nationals awaiting deportation, as provided by the Nigeria Immigration Service (NIS).

2. Kindly also note that the terms of the Bilateral Agreement between Nigeria and DPRK signed on June 17, 2020, in the field of health and medical sciences, exist only in the areas of 'Public health disease control and prevention, institutional capacity in the field of health as well as political sensitization and cooperation which further requires that both parties shall bear the cost of its

personnel and, where there is a joint project, the cost shall be shared between the parties except otherwise decided.

3. The following are the main areas of interest jointly agreed upon by the parties as contained in the Bilateral Agreement:

i. Communicable diseases HIV/AIDS, Tuberculosis and Malaria, polio and measles eradication;

ii. Non-communicable diseases, primary health care and emerging and re-emerging diseases;

iii. Biotechnical development and Ophthalmology.

4. Please accept, Excellency, the assurances of my highest consideration.

[redacted]

Ambassador Samson. S. Itegboje
Deputy Permanent Representative
Permanent Mission of Nigeria to the United Nations

DPRK NATIONALS IN NIGERIA AWAITING REPATRIATION

NAME	SEX	PASSPORT NO	NAME OF COMPANY	ADDRESS	STATE
1 HAN YONG HUN		108130169	ABURIME-CHANGSU ORIENTAL DIAGNOSTICS HOSPITAL	BENIN CITY	EDO STATE
2 KWON OK GYONG		10813170	ABURIME-CHANGSU ORIENTAL DIAGNOSTICS HOSPITAL	BENIN CITY	EDO STATE
3 LI CHOI SU		836231236	ABURIME-CHANGSU ORIENTAL DIAGNOSTICS HOSPITAL	BENIN CITY	EDO STATE
4 PAK OK JU		836231239	ABURIME-CHANGSU ORIENTAL DIAGNOSTICS HOSPITAL	BENIN CITY	EDO STATE
5 PAK CHOP RYONG		109137729	ABURIME-CHANGSU ORIENTAL DIAGNOSTICS HOSPITAL	BENIN CITY	EDO STATE
6 LI KYON HUA		109137730	ABURIME-CHANGSU ORIENTAL DIAGNOSTICS HOSPITAL	BENIN CITY	EDO STATE
7 RI SU GIL		108232598	EMIRI ORIENTAL CENTRE LIMITED	PORT HARCOURT	RIVERS STATE
8 RI CHOL MUN		836336632	EMIRI ORIENTAL CENTRE LIMITED	PORT HARCOURT	RIVERS STATE
9 KIM HYE YONG		836336643	EMIRI ORIENTAL CENTRE LIMITED	PORT HARCOURT	RIVERS STATE
10 RIM KWANG SIK	M	927335870	FRANOSON MANYON INT'L COMPANY LIMITED	2 enugo str, ojoto, idemili south	ANAMBRA STATE
11 HONG YONG CHOI	M	9272366874	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
12 KIL SON JO	M	927236883	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
13 SIN RAN HUI	F	927236877	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
14 KIM CHANG UK	M	927236897	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha .	ANAMBRA STATE
15 JANG KWANG CHOI	M	927236876	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
16 SON NYO PAK	F	927236884	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
17 WI CHOI NAM	M	927340251	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
18 HU NAM KIM	F	927236899	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
19 RI HYE SONG	F	927236875	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	142 oguta rd, onitsha	ANAMBRA STATE
20 KIN SONG HYOK	M	109146522	NIGER OPTICAL SERVICES COMPANY (NIG)LIMITED	onitsha	ANAMBRA STATE

21	PAEK YONG NAN	M	927332794	NIGER OPTICAL SERVICES COMPANY (NIG)LIMITED	onitsha	ANAMBRA STATE
22	KIM KWANG CHOL	M	927237155	KRISTO ORIENTAL ACUPUNCTURE CENTRE LTD.	8 bisi anigbogu lane, amudo awka	ANAMBRA STATE
23	JONG UN OK	F	927236886	(ACC HUSBAND)	8 bisi anigbogu lane, amudo awka	ANAMBRA STATE
24	CHOE CHAN YONG	M	927236894	KRISTO ORIENTAL ACUPUNCTURE CENTRE LTD.	8 bisi anigbogu lane, amudo awka	ANAMBRA STATE
25	CHOE KUM JU	F	927236896	(ACC HUSBAND)	8 bisi anigbogu lane, amudo awka	ANAMBRA STATE
26	JON SONG II	M	927236902	ROSEBOOM ALTERNATIVE MEDICINE LTD.	8 bisi anigbogu lane, amudo awka	ANAMBRA STATE
27	KANG HYE SUK	F	927236905	ROSEBOOM ALTERNATIVE MEDICINE LTD.	8 bisi anigbogu lane, amudo awka	ANAMBRA STATE
28	CHOE CHANG RIN	M	927236878	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	Owerri	IMO STATE
29	KIM PONG HWA	F	927236879	EMIRI ORIENTAL MEDICAL CENTRE , LIMITED	Owerri	IMO STATE
30	AN CHOL JIN	M	108448029	MEMEYS HOSPITAL ENUGU	enugu	ENUGU STA
31	KIM JONG NAM	M	109234350	NIGER STATE GOVT	Minna	NIGER STAT
32	RI NAM CHOG	M	109234351	NIGER STATE GOVT	Minna	NIGER STAT
33	YUN TAL JUNG	M	745233311	NIGER STATE GOVT	Minna	NIGER STAT
34	JONG MI JU		745234819	AKIT- RUNGRA ACUPUNCTURE CENTRE LTD	IBADAN	OYO STATE
35	CHANG YUN KIM		745234804	AKIT- RUNGRA ACUPUNCTURE CENTRE LTD	IBADAN	OYO STATE
36	JIN SU RI		108330824	AKIT- RUNGRA ACUPUNCTURE CENTRE LTD	IBADAN	OYO STATE
37	MIN OK CHON		108330826	AKIT- RUNGRA ACUPUNCTURE CENTRE LTD	IBADAN	OYO STATE

Annex 69: Corman Construction

The Panel has been investigating about 30 nationals of the Democratic People's Republic of Korea affiliated with Corman Construction & Commerce Senegal SUARL.[149] Corman Construction is formerly known as Mansudae Overseas Project Group of Companies in Senegal.

The Panel has obtained internal financial records that indicate Corman Construction was sending revenue to the Democratic People's Republic of Korea embassy. According to the ledger, these transactions, which totalled approximately USD 3,500 from September 2019 to August 2020, were recorded as "당위원장이 대사관에 바쳤음" ("dedicated to the embassy by the chairman of the party"). The ledger also listed the consignee for these transactions as the "embassy." For detail of the activity of Corman see finance section.

[149] S/2020/151, para.144.

Annex 70: Reply from Thailand to the Panel concerning DPRK workers

Attachment

Information requested by

the Panel of Experts established pursuant to UNSC Resolution 1874 (2009)

as per the Panel of Experts' Note No. S/AC.49/2021/PE/OC.26 dated 7 January 2021

The Royal Thai Government wishes to provide information related to "Mokran Lake Restaurant" in the Magnolias Pattaya Boutique Resort, Pattaya, as follows:

1. On 29 November 2019, Thai authorities conducted on-site inspections at Mokran Korean Restaurant/Mokran Lake Restaurant, located in the Magnolia Pattaya Boutique Resort, Pattaya, Chonburi province. This on-site inspection of the restaurant was included in Thailand's Final Report pursuant to paragraph 8 of UNSC Resolution 2397 (2017), sent to the Chair of the Security Council Committee established pursuant to resolution 1718 (2016).

2. During the on-site inspection, the authorities found that Mokran Korean Restaurant/ Mokran Lake Restaurant was already out of business and no North Korean nationals were found in and around the vicinity. Concerned authorities continue to monitor the locale as a precaution measure.

3. Concerning the POE's inquiry into the operations of the Mokran Korean Restaurant/ Mokran Lake Restaurant, the Thai authorities have reported that the restaurant remain permanently closed for business.

* * * * * *

Source : The Panel

Annex 71 : Reply from Georgia to the Panel’s enqury concerning presence of the DPRK nationals

1. Georgia replied to the Panel that there were no DPRK nationals on Georgia Government’s controlled territory.

2. With regards to the Georgian regions of Abkhazia and the Tskinvali Region/South Ossetia, Georgia replied to the Panel that Georgian Government has no effective control over these regions, hence it did not have information on the Panel’s enquiry regarding the travel and/or presence of DPRK workers from Russia to Abkhazia, Georgia and the Tskinvali Region/South Ossetia, Georgia.

Annex 72: Overseas banking representatives

According to the February 2020 legal proceedings of a Member State[150], between December 2015 and January 2019, Han Jang Su carried out prohibited activities as the Moscow-based representative of FTB.[151] On five occasions, from November 2017 to July 2019, the Panel requested information from the Russian Federation regarding Mr. Han's whereabouts, his financial activities, and his status as the Moscow-based representative of FTB.

- According to the court proceedings, on 10 January 2018, Han Jang Su provided documentation to a Russian bank that confirmed the status of Ko Chol Man, Han Ung, Ri Jong Nam, and O Song Hui as members of FTB's board of directors.
- According to the court proceedings, on 29 January 2018, Han Jang Su provided a signature card to a Russian bank for FTB's account, containing the signatures of the previously mentioned board members, as well as Ri Yong Si, Jo Un Hui, O Song Hui, and Ri Jong Won.[152]
- In April 2018, the Russian Federation submitted a notification to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) that Russia would request an exemption from the asset freeze provisions for Mr. Han to cover basic living expenses.
- In July 2018, the Russian Federation submitted to the Panel that "it has taken all measures under Russian national legislation to implement the relevant resolutions of the Security Council" regarding Mr. Han.
- According to the court proceedings, on 13 August 2018, Han Jang Su aided Ri Chun Song with information on how to establish a Russian bank account for a foreign company.
- In November 2018, the Panel sent a letter of inquiry to the Russian Federation regarding information, provided by another Member State, that indicated that Mr. Ri Jong Won was serving as a Moscow-based deputy representative of FTB. The Russian Federation replied in December 2018 that Mr. Ri Jong Won "arrived in Russia on 5 February 2018 as an official accredited member of the Embassy of the Democratic People's Republic of Korea to the Russian Federation."
- According to the court proceedings, on 10 January 2019, Han Jang Su received due diligence documents, which specified Ko Chol Man as the beneficial owner of FTB's Moscow-based account.
- According to the court proceedings, on 10 January 2019, Han Jang Su received due diligence documents, which specified Kim Kwang Chol (Korea Ungum Corporation) as the beneficial owner of Ungum's bank account.
- According to the court proceedings, on 27 January 2019, Ri Myong Jin and Jo Un Hui—members of FTB in Pyongyang—received a communication affirming Han Jang Su's status at FTB Moscow.
- According to the court proceedings, in September 2019, Han Jang Su facilitated a payment on behalf of Unha Daesong Trading Company to accounts held at two banks located in Russia.

[150] See, https://www.washingtonpost.com/context/u-s-indictment-usa-v-ko-chol-man-et-al/e872ed0c-7f79-4122-abc5-b7ce2bd47e99/.
[151] See paragraph 177 of S/2020/151 and paragraph 125 of S/2019/171.
[152] This suggests that Mr. Ri was continuing to act as an FTB representative while also acting as an officially accredited member of embassy personnel.

- In February 2020, the Russian Federation informed the Panel that Mr Han Jang Su left Russia in 2019.

In response to the Panel's enquiry regarding these differences, the Russian Federation replied: "With regard to the request of the Panel of Experts concerning citizens of the Democratic People's Republic of Korea, Hang Jang Su and Ri Jong Won, we ask the Panel to let itself be guided by the reliable information already provided, rather than allow itself to be influenced by the idle speculations and insinuations being fed to it periodically by a certain Member State."

China

In October 2017, the Panel sent an inquiry to China regarding the status of several DPRK nationals believed to be working on behalf of FTB in China. Among others, these individuals included Kim Tong Chol (KPi.068), Ko Chol Man (KPi.069), Ri Chun Hwan (KPi.074), and Ri Chun Song (KPi.075). The Panel asked for, *inter alia,* travel records, financial records, diplomatic accreditation records, and any measures taken by China's competent authorities to investigate and/or expel the individuals. On 25 January 2018, China informed the Panel that its competent authorities had listed the designated individuals as being forbidden to enter or transit through China and had requested Chinese banks and financial institutions to freeze their assets.

In May 2018, the Panel once again requested information from China regarding the status of FTB representatives operating within China. In its July 2018 reply, China stated that it had "taken corresponding measures in accordance with the requirement of the resolutions" and that it "...has closed all the representative offices of the DPRK financial institutions in China in 2016, and all of the relevant representatives in China have left China". China indicated that it could not verify whether the individuals have a relationship with the designated financial institutions.

In November 2019, the Panel once again sent an inquiry to China requesting information about Han Yong Chol (KPe.047), who was suspected of continuing to operate as an FTB representative in Beijing. China replied that it "has closed all the representative offices of the DPRK financial institutions in China, and all the relevant representatives in China have left China." In response to the Panel's enquiry, China replied "There is no transaction involving Ri Chun Hwan in April 2019. There is neither any Ri Chun Song involved transaction record related to the payments from accounts located in China to any Chinese or Russian companies in 2016 and 2017, or any acceptance of payments in June 2017." This is different from information in the February 2020 court proceedings, namely:

According to the court proceedings, Ri Chun Hwan (KPi.074) acted as FTB's representative in Zhuhai, China from October 2013 to at least April 2019.

- According to the court proceedings, in December 2018, Mr. Ri Chun Hwan received a communication, in his capacity as a China-based FTB representative, from Mr. Ri Myong Jin (FTB Pyongyang).
- According to the court proceedings, in April 2019, Mr. Ri Chun Hwan confirmed to FTB Pyongyang that he directed a payment from his China-based accounts.

- According to the court proceedings, Ri Chun Song has acted as FTB's representative in Beijing, China from 2015 to 2019.
- According to the court proceedings, in November 2016 Ri Chun Song directed payment to a Chinese company from a China-based account.
- According to the court proceedings, in May 2017, Ri Chun Song directed a payment to a Russian company from a China-based account.
- According to the court proceedings, in June 2017, Ri Chun Song received payment into a China-based account.

In response to the

China has closed all representative offices of DPRK financial institutions in China according to the Security Council resolutions. All the relevant representatives have left China. Chinese banks have always strictly implemented the targeted Security Council sanctions, and would not provide any financial services to individuals or entities designated by the Security Council. Considering its cooperative relationship with the Panel, China has overcome great difficulties and has had the commercial banks to carefully investigate the two individuals mentioned in the Panel's letter. There is no transaction involving Ri Chun Hwan in April 2019. There is neither any Ri Chun Song involved transaction record related to the payments from accounts located in China to any Chinese or Russian companies in 2016 and 2017, or any acceptance of payments in June 2017.

Annex 73: Korea Ungum Corporation and Unha Daesong Trading Company account numbers and relevant transactions

Agrosoyuz Commercial Bank
Account: 40807810800000000010
Account Owner: Korea Ungum Corporation[153]
Transactions:

- September 2017 payments from [REDACTED]
  February 2018 payments from [REDACTED]

Sputnik Bank
Account: 40807810240000000002
Account Owner: Korea Ungum Corporation
Transactions:

- February 2019 payments from [REDACTED]

Asia Pacific Bank
Account: 40807810700580000008
Account Owner: Unha Daesong Trading Company[154]
Transactions:

- September 2019 payments from [REDACTED]

Russian Financial Society
Account: 40807810300000000599
Account Owner: Unha Daesong Trading Company
Transactions:

- September 2019 payments from [REDACTED]

Sberbank
Account: 40807810250000000032
Account Owner: Unha Daesong Trading Company
Transactions:

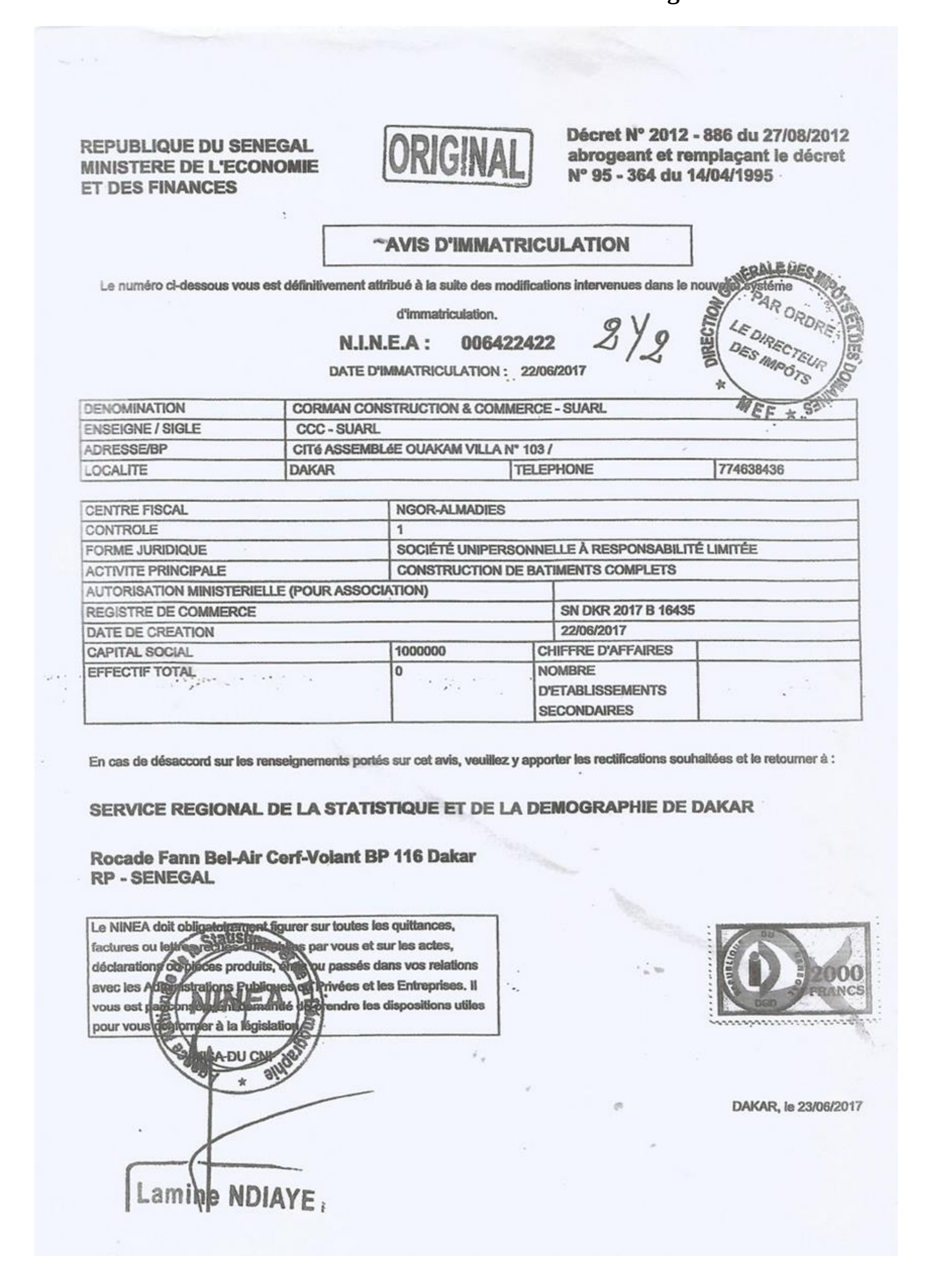
September 2019 payments from [REDACTED]

Source: A Member State

[153] Korea Ungum Corporation (aka TS Ungum Corporation; Korea Yngum Corporation, Korea Ungum Company) is a suspected front company for DPRK's Foreign Trade Bank (designated KPe.047). See, paragraphs 172-173 in the 2020 Final Report (S/2020/151).

[154] Unha Daesong Trading Company (aka "Unha Daisong") is a suspected front company for DPRK's Foreign Trade Bank (designated KPe.047).

Annex 74: Corman Construction & Commerce SUARL Registration Documents



REPUBLIQUE DU SENEGAL
MINISTERE DE L'ECONOMIE
ET DES FINANCES

ORIGINAL

Décret N° 2012 - 886 du 27/08/2012 abrogeant et remplaçant le décret N° 95 - 364 du 14/04/1995

AVIS D'IMMATRICULATION

Le numéro ci-dessous vous est définitivement attribué à la suite des modifications intervenues dans le nouveau système d'immatriculation.

N.I.N.E.A : 006422422 2Y2

DATE D'IMMATRICULATION : 22/06/2017

DENOMINATION	CORMAN CONSTRUCTION & COMMERCE - SUARL		
ENSEIGNE / SIGLE	CCC - SUARL		
ADRESSE/BP	CITé ASSEMBLéE OUAKAM VILLA N° 103 /		
LOCALITE	DAKAR	TELEPHONE	774638436

CENTRE FISCAL	NGOR-ALMADIES		
CONTROLE	1		
FORME JURIDIQUE	SOCIÉTÉ UNIPERSONNELLE À RESPONSABILITÉ LIMITÉE		
ACTIVITE PRINCIPALE	CONSTRUCTION DE BATIMENTS COMPLETS		
AUTORISATION MINISTERIELLE (POUR ASSOCIATION)			
REGISTRE DE COMMERCE		SN DKR 2017 B 16435	
DATE DE CREATION		22/06/2017	
CAPITAL SOCIAL	1000000	CHIFFRE D'AFFAIRES	
EFFECTIF TOTAL	0	NOMBRE D'ETABLISSEMENTS SECONDAIRES	

En cas de désaccord sur les renseignements portés sur cet avis, veuillez y apporter les rectifications souhaitées et le retourner à :

SERVICE REGIONAL DE LA STATISTIQUE ET DE LA DEMOGRAPHIE DE DAKAR

Rocade Fann Bel-Air Cerf-Volant BP 116 Dakar
RP - SENEGAL

Le NINEA doit obligatoirement figurer sur toutes les quittances, factures ou lettres reçues ou émises par vous et sur les actes, déclarations ou pièces produits, émis ou passés dans vos relations avec les Administrations Publiques ou Privées et les Entreprises. Il vous est par conséquent demandé de prendre les dispositions utiles pour vous conformer à la législation.

DAKAR, le 23/06/2017

Lamine NDIAYE

ORIGINAL

M.O
A.P. Porto Novo 23/24 juin 1999

☐ d'ouverture d'un ETABLISSEMENT SECONDAIRE
☐ d'ouverture d'une SUCCURSALE d'une personne morale étrangère

RENSEIGNEMENTS RELATIFS A LA PERSONNE MORALE

DENOMINATION : **<<CORMAN CONSTRUCTION & COMMERCE>> SUARL**

NOM COMMERCIAL : CORMAN CONSTRUCTION & COMMERCE   ENSEIGNE: SIGLE : CCC
ADRESSE DU SIEGE : Dakar (Sénégal), Cité Assemblée Ouakam, villa n° 103,   N° RCCM DU SIEGE:SN.DKR.2017.B.16435
ADRESSE DE L' ETABLISSEMENT CREE :
FORME JURIDIQUE : SUARL
CAPITAL SOCIAL 1 000 000 Fcfa   DONT NUMERAIRES 1 000 000 F CFA   DONT EN NATURE 0 F CFA
DUREE 99 ans

RENSEIGNEMENTS RELATIFS A L'ACTIVITE ET AUX ETABLISSEMENTS

ACTIVITE : Activité Principale(Préciser)   Réalisation & construction de bâtiments et tous Travaux de maçonnerie et de menuiserie ;
Etudes, Conseils;
Bâtiment Travaux Publics (BTP);

Date de début : 16/06/2017   Nbre de salariés prévus : 0

PRINCIPAL ETABLISSEMENT OU SUCCURSALE :<<CORMAN CONSTRUCTION & COMMERCE>>SUARL
Adresse :
Origine : ✓Création   ☐ Achat   ☐ Apport   ☐ Prise en location gérance
☐ Autre:(Préciser)
Précédent Exploitant : Nom :   Prénom :
Adresse :
Loueur de fonds(Nom,dénomination,adresse) :

ETABLISSEMENTS SECONDAIRES (Autres que celui créé) ☐ Oui ☒ Non
Adresse :
Activité :

ASSOCIES TENUS INDEFINIMENT ET PERSONNELLEMENT (*)

(*) La totalité des renseignements relatifs à ces associés doit IMPERATIVEMENT figurer sur le formulaire complémentaire M.O Bis annexé
RESUME DES INFORMATIONS :

NOM	PRENOM	DATE ET LIEU DE NAISSANCE	ADRESSE

2000 FRANCS

RENSEIGNEMENTS RELATIFS AUX DIRIGEANTS (*)(**)

(*) Concerne les Gérants,Administrateurs ou associés ayant le pouvoir d'engager la personne morale
(**) Les renseignements ne pouvant figurer ci dessous doivent IMPERATIVEMENT être reportés sur le formulaire M.o Bis annexé.

NOM	PRENOM	DATE ET LIEU DE NAISSANCE	ADRESSE	FONCTION (***)
Choi	Choe Song	16/05/1973 à Pyongyang (RPD de COREE).	Macao à Pyongyang (RPD de COREE).	Gérant

(***) Préciser : Gérant, PDG,Administrateurs, Associé

COMMISSAIRES AUX COMPTES

NOM	PRENOM	DATE ET LIEU DE NAISSANCE	ADRESSE	FONCTION
				TITULAIRE
				SUPPLEANT

LE SOUSSIGNE (Déclarant/mandataire) SCP NDIAYE & NDIAYE Associés
demande à ce que la présente constitue   ✓DEMANDE D'IMMATRICULATION AU R.C.C.M
La conformité de la déclaration avec les pièces justificatives produites en application de l'acte uniforme sur le droit commercial général a été verifiée par le greffier en Chef soussigné qui a procédé à l'inscription
Le 22/06/2017 sous le NUMERO **SN.DKR.2017.B.16435**

Fait à Dakar
Le 22/06/2017
Signature

1

Maître Oumy [illegible]
DIAW
Greffier

Mo Bis

A.P. Porto Novo 23/24 juin 1999

INTERFACE COMPLEMENTAIRE AU FORMULAIRE Mo (*)

*** Cette intercalaire doit IMPERATIVEMENT être annexé au formulaire Mo lorsque les rubriques 15 et 16 de ce formulaire n'ont pu être entièrement renseignées.**

ASSOCIES TENUS INDEFINIMENT ET PERSONNELLEMENT (*)

INSCRIRE CI-DESSOUS LES NOMS, PRENOMS, DOMICILE PERSONNEL, DATE ET LIEU DE NAISSANCE, NATIONALITE, DATE ET LIEU DU OU DES MARIAGES, REGIME MATRIMONIAL, CLAUSES RESTRICTIVES OPPOSABLES AUX TIERS , SEPARATION DE BIENS, DE TOUS LES ASSOCIES TENUS INDEFINNIMENT ET PERSONNELLEMENT DES DETTES SOCIALES /	

RENSEIGNEMENTS RELATIFS AUX DIRIGEANTS (*)(**)

* Concerne les Gérants, administrateurs ou associés pouvant engager la personne morale. INSCRIRE CI-DESSOUS LES NOMS, PRENOMS, DATE ET LIEU DE NAISSANCE, ADRESSE, QUALITE (Préciser : Gérant, PDG ,PCA , Administrateur ou associés) CONCERNES ET QUI N'ONT PAS PU ÊTRE INSCRITS SUR LE FORMULAIRE Mo EN RUBRIQUE 14 :	

La conformité de la déclaration avec les pièces justificatives produites en application de l'acte uniforme sur le droit commercial général a été verifiée par le greffier en Chef soussigné qui a procédé à l'inscription le 22/06/2017 sous le NUMERO **SN.DKR.2017.B.16435**

(reporter ici le numéro de formalité figurant sur le formulaire Mo)

Fait à Dakar
Le 22/06/2017
Signature

2

ENREGISTRE Csf Ngor Alma
Le 21/06/2017 12:45:10
N° 28
L'Inspecteur

DIRECTION GENERALE DES IMPOTS ET DOMAINES

DECLARATION D' EXISTENCE

De la Société Anonyme ou civile ou commandite simple
ou société en nom collectif: CORMAN CONSTRUCTION & COMMERCE SUARL
Faite par SCP NDIAYE & NDIAYE Associés , demeurant au 10, Rue Mohamed V BP 22922 DAKAR Ponty
en qualité de Notaire.

Dénomination de la Société: CORMAN CONSTRUCTION & COMMERCE SUARL

Objet de la Société: Réalisation & construction de bâtiments et tous Travaux de maçonnerie et de menuiserie ;
Etudes, Conseils;
Bâtiment Travaux Publics (BTP);
Ingénierie technique, financière et architecturale;
La maîtrise d'ouvrage;
Travaux publics, Bâtiments ; voiries et Réseaux divers ; Terrassement,
Décoration,
Le génie civil,
Fournitures de biens et équipements ;
Achat et Vente de Matériaux de Construction; (Engins lourds, grue fixe, grue mobile, excavateur, chargeurs, camions)
Assistance technique dans les procédures administratives et financière ;
La conception, la production ou l'assemblage, la commercialisation, l'installation d'équipement solaires et leur représentation exclusive
;
L'importation, l'achat, la vente, la fourniture et la distribution de tous matériels et équipements s'y rapportant ;
La formation, l'entretien, la maintenance et le service après-vente ;
Toutes activités liées à l'industrie immobilière (L'acquisition, la Propriété, la Gestion, l'administration par bail ou autrement et la disposition des immeubles et droits immobiliers; l'exploitation et la location-gérance de tous immeubles et droits immobiliers);

Partenariat et Financement de projets,
Investissement dans tous les domaines, courtage et intermédiation
Recherche de financement et Étude de faisabilité
Société de négociation et d'import-export
Le Négoce; le Négoce international ; le Partenariat commercial ;
La Représentation; la Distribution et toutes prestations de services relatives à l'importation et l'exportation;
L'importation, la transformation, l'exportation, la mise en œuvre, la maintenance de tous biens matériels et/ou immatériels relatifs aux domaines d'intervention de la société.
Assistance en Commercialisation ;
Commerce général
Import- Export
Le tout directement ou indirectement pour leur compte et pour le compte de tiers, soit seuls, soit avec des tiers par voie de création de sociétés nouvelles, d'apport, de fusion, de sociétés en participation, ou de gérance de tous biens ou de droits ou autrement.



Annex 75: SCI ADJA Seneba and Corman Construction contracts and transactions

According to documents obtained by the Panel, SCI ADJA Seneba, which is a subsidiary of EMG Universal Auto Group, entered into at least two contracts with Corman Construction between May 2017 and October 2017. EMG Universal Auto is a group of Senegalese companies owned and operated by Mr. Mbaye Gueye.

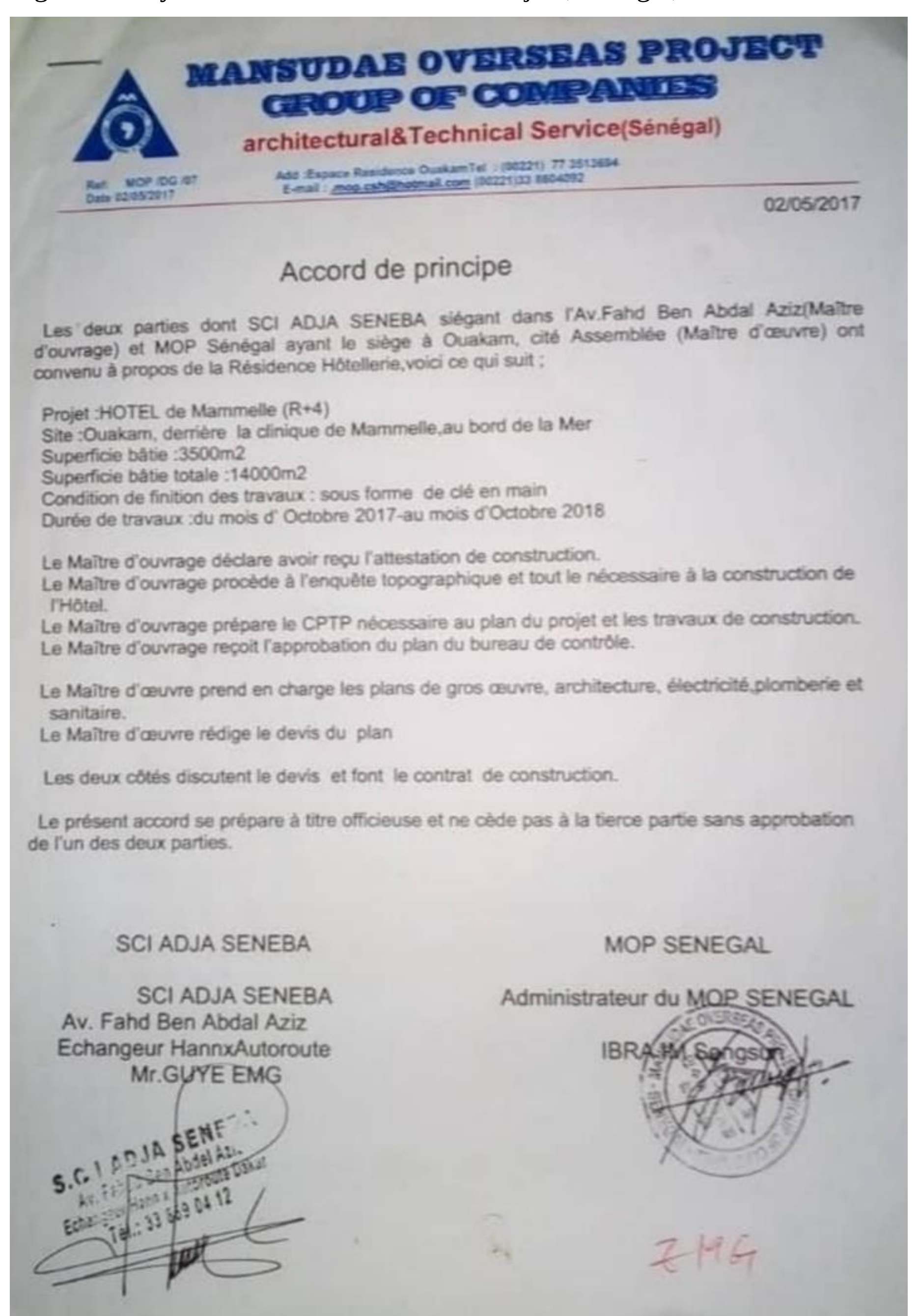
In May 2017, MOP Senegal entered into a contract with SCI ADJA Seneba to perform construction services at a Sengalese hotel. The period of performance for the work was October 2017 to October 2018 (Figure 1). The contract, which does not state a value, is signed by Mr. Mbaye Guye representing SCI ADJA SENEBA and Mr. Im Song Sun representing MOP Senegal.

In October 2017, Corman Construction entered into a contract with SCI ADJA Seneba to perform construction services at or near a local airport. The value of the contract was CAF 83,000,000 (approximately USD 150,000) and was to be paid in four installments (Figure 2). On page 2 of the contract, Corman Construction is listed as "CORMAN GROUP OF COMPANIES." Both the email address and phone number listed are the same used by MOP Senegal. The contract names "Monsieur Cholung Choe" as the representative for Corman Construction.[155]

Figure 3 shows two payments made from Mr. Mbaye Gueye and EMG Automotive, respectively, to Corman Construction. The first payment is dated 25 February 2017 in the amount of CAF 900,000 (approximately USD 1,600). The second payment is dated 13 December 2017 in the amount of CAF 24,900,000 (approximately USD 45,000). Although the Panel is unable to assess the purpose of the first payment, it is likely that the second payment (dated 14 December 2017) is an installment on the October 2017 contract. Representatives from SCI ADJA Seneba have not responded to the Panel's request for information.

[155] The Panel assesses that "Cholung Choe" is likely the same as Mr. Choe Song Chol— a known representative of MOP Senegal.

Figure 1. May 2017 Mansudae Overseas Project, Senegal, contract with SCI ADJA SENEBA



MANSUDAE OVERSEAS PROJECT
GROUP OF COMPANIES
architectural&Technical Service(Sénégal)

Ref: MOP /DG /07
Date 02/05/2017

Add :Espace Residence OuakamTel : (00221) 77 3513694
E-mail : mop.csh@hotmail.com (00221)33 8604092

02/05/2017

Accord de principe

Les deux parties dont SCI ADJA SENEBA siégant dans l'Av.Fahd Ben Abdal Aziz(Maître d'ouvrage) et MOP Sénégal ayant le siège à Ouakam, cité Assemblée (Maître d'œuvre) ont convenu à propos de la Résidence Hôtellerie,voici ce qui suit ;

Projet :HOTEL de Mammelle (R+4)
Site :Ouakam, derrière la clinique de Mammelle,au bord de la Mer
Superficie bâtie :3500m2
Superficie bâtie totale :14000m2
Condition de finition des travaux : sous forme de clé en main
Durée de travaux :du mois d' Octobre 2017-au mois d'Octobre 2018

Le Maître d'ouvrage déclare avoir reçu l'attestation de construction.
Le Maître d'ouvrage procède à l'enquête topographique et tout le nécessaire à la construction de l'Hôtel.
Le Maître d'ouvrage prépare le CPTP nécessaire au plan du projet et les travaux de construction.
Le Maître d'ouvrage reçoit l'approbation du plan du bureau de contrôle.

Le Maître d'œuvre prend en charge les plans de gros œuvre, architecture, électricité,plomberie et sanitaire.
Le Maître d'œuvre rédige le devis du plan

Les deux côtés discutent le devis et font le contrat de construction.

Le présent accord se prépare à titre officieuse et ne cède pas à la tierce partie sans approbation de l'un des deux parties.

SCI ADJA SENEBA

SCI ADJA SENEBA
Av. Fahd Ben Abdal Aziz
Echangeur HannxAutoroute
Mr.GUYE EMG

MOP SENEGAL

Administrateur du MOP SENEGAL

IBRAHIM Songsun

Adja SENEBA

Société civile Immobilière

Construction - Location – Vente

Appartements, Maisons à usage d'habitation et commercial

Accord de principe

Les deux parties dont SCI ADJA SENEBA siégant dans l'Av.Fahd Ben Abdal Aziz(Maître d'ouvrage) et MOP Sénégal ayant le siège à Ouakam, cité Assemblée (Maître d'œuvre) ont convenu à propos de la Résidence Hôtelière, voici ce qui suit ;

Projet : Résidence Hôtelière,

Site :Ouakam, derrière la clinique de Mammelle,au bord de la Mer

Superficie bâtie : 3500m2

Superficie bâtie totale : 14000m2

Condition de finition des travaux : sous forme de clé en main

Durée de travaux :du mois d' Octobre 2017-au mois d'Octobre 2018

Le Maître d'ouvrage déclare avoir reçu l'attestation de construction.

Le Maître d'ouvrage procède à l'enquête topographique et tout le nécessaire à la construction de l'Hôtel.

Le Maître d'ouvrage prépare le CPTP nécessaire au plan du projet et les travaux de construction.

Le Maître d'ouvrage reçoit l'approbation du plan du bureau de contrôle.

Le Maître d'œuvre prend en charge les plans de gros œuvre, architecture, électricité, plomberie et sanitaire.

Le Maître d'œuvre rédige le devis du plan

Les deux côtés discutent le devis et font le contrat de construction.

Le présent accord se prépare à titre officieuse et ne cède pas à la tierce partie sans approbation de l'un des deux parties.

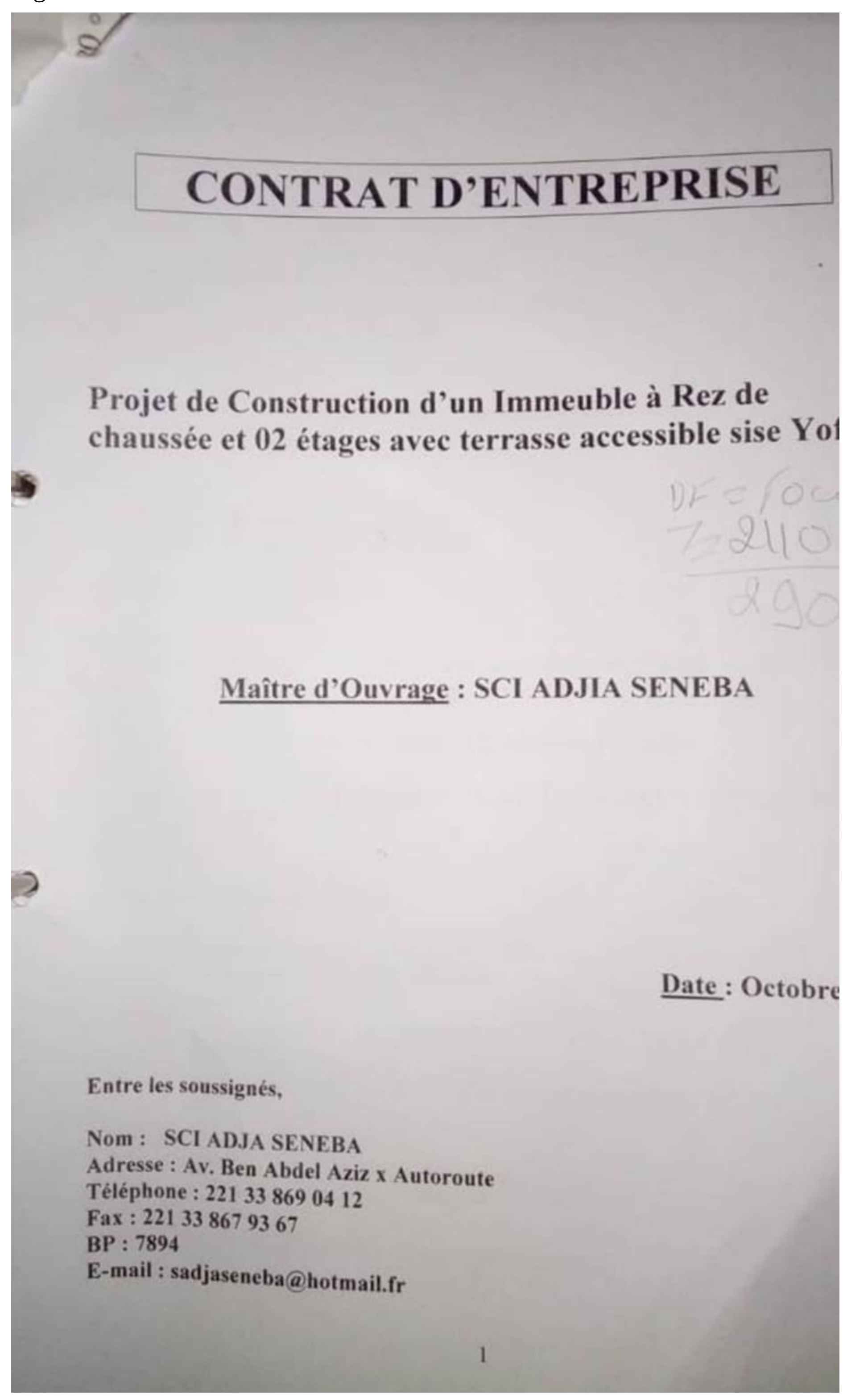
SCI ADJA SENEBA — MOP SENEGAL

M. GUEYE — IBRA IM Songsun

S.C.I ADJA SENEBA
Dakar
Tél.: 33 869 04 12

Avenue Fahd Ben Abdel Aziz x Auto route – R.C. BE N 456/1 CASE 2009 NINEA: 004358455 2R7
Tél. : (221) 221 33 869 04 12 – Fax : (221) 33 867 93 67 – Mail; sadjaseneba@hotmail.fr Site web; www.sadjaseneba.com

Figure 2. October 2017 Corman Construction Contract with SCI ADJA SENEBA



CONTRAT D'ENTREPRISE

Projet de Construction d'un Immeuble à Rez de chaussée et 02 étages avec terrasse accessible sise Yof

Maître d'Ouvrage : SCI ADJIA SENEBA

Date : Octobre

Entre les soussignés,

Nom : SCI ADJA SENEBA
Adresse : Av. Ben Abdel Aziz x Autoroute
Téléphone : 221 33 869 04 12
Fax : 221 33 867 93 67
BP : 7894
E-mail : sadjaseneba@hotmail.fr

1

Le MAÎTRE D'OUVRAGE

D'une part

Et,
CORMAN GROUP OF COMPANIES
Nom: Monsieur Cholung Choe dit Ibrahim COREA
Adresse : Espace Résidence Ouakam
Téléphone : 00221-77-351-36-94
Fax : 00221-33-860-40-92
E-mail : ibrahim.corea@gmail.com ; mop.csh@hotmail.com/
L'ENTREPRENEUR

D'autre part

Ci-après dénommé,

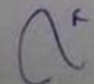
Il a été convenu ce qui suit :

Article 1 :
L'entrepreneur s'engage à réaliser les travaux conformément aux plans et au
joint.
Article 2 :
Le lieu d'exécution des travaux est aux **Yoff, Route de l'aéroport,**
Article 3 :
Le montant des travaux clé en mains est fixé à Quatre vingt trois millions
(**83 000 000**). **FCFA TTC**
Article 4 :

Le payement se fera comme suit :

1er payement : 30% soit 24 900 000 F TTC à la signature du contrat
2ème payement : 30% soit 24 900 000F TTC après réception dalle PH Rez de chaussée.
3ème payement : 30% soit 24 900 000F TTC après réception dalle PH 1er et 2ème Etage.
4ème payement : 10% soit 8 300 000F TTC après réception des travau

Article 5 :
En cas de retard dans l'exécution des travaux, l'entrepreneur est passible d
de retard à concurrence de 1 / 5000e par jour de retard.
Article 6 :
Le client déclare avoir librement choisi son Entrepreneur.



2

ns le cas où le maître d'ouvrage est amené à modifier son programme entraînant un angement de plus de 10% du coût à un stade de son déroulement, il est prévu que entreprise reçoive des honoraires complémentaires au prorata du coût de ces derniers. Un avenant au présent contrat est alors rédigé pour fixer dans ce cas, les conditions de la rémunération complémentaire revenant à l'entreprise.

Article 7 :

Si dans le cours des prestations, des difficultés s'élèvent entre les représentants du maître d'ouvrage et l'entreprise, il est prévu d'en référer à un tiers choisi d'un commun accord qui fait alors connaître sa décision par écrit.

Si l'entreprise n'accepte pas cette décision, chacune des parties, à savoir le maître d'ouvrage d'une part et l'entreprise d'autre part, s'oblige à solliciter l'avis d'un arbitre, en cas de désaccord qui persiste, le différend sera soumis aux tribunaux compétents qui trancheront en dernière instance selon les règles en vigueur au Sénégal.

Article 8 :

Mode de règlement des travaux par avance à payer suivant planning de décaissement ci-joint.

En cas de faillite, de décès, de liquidation des biens ou règlement judiciaire de l'entreprise, le maître d'ouvrage peut résilier de plein droit le contrat sans indemnités compensatoires et sans préjudice de tout droit ou recours qu'elle peut avoir.

Article 9 :

Réception des travaux : elle sera faite en présence des deux parties et du représentant du maître d'ouvrage. A cet effet le client adressera en temps utile une demande de réception en précisant la date à laquelle les travaux seront achevés.

Article 10 :

La durée d'exécution des travaux sera de **120 Jours** à compter de la date de paiement du 1er décompte.

En vue de la bonne marche des travaux, les deux parties déclarent fixer domicile au lieux ci-dessus mentionnés.

Article 11 :

La législation du travail et la réglementation sociale en vigueur au Sénégal sont applicables à l'entreprise qui s'astreint à respecter toute législation ou réglementation nouvelle rendue obligatoire au fur et à mesure de leur parution au Journal Officiel du Sénégal.

Aucune indemnité basée sur les sujétions et difficultés entraînées par décisions des autorités administratives concernant l'emploi de la main d'œuvre sénégalaise ne peu être acceptée.

Observations de l'entrepreneur :

- La retenue de garantie de 10% sera payée dans un délai de 07 jours à compte de la date de réception définitive des travaux c'est-à-dire la levée des réserve 100% par l'entreprise CCC.
- Dans le cas ou il ya des retards dont la responsabilité du maitre d'ouvrage est engagé, les pénalités de retards ne seront pas appliquées et l'entrepreneur pourra réclamer un dédommagement correspondant à la paie de son personne
- Le maitre d'ouvrage prend en charge la mission du Bureau de Contrôle et les approvisionnements en eau et électricité.



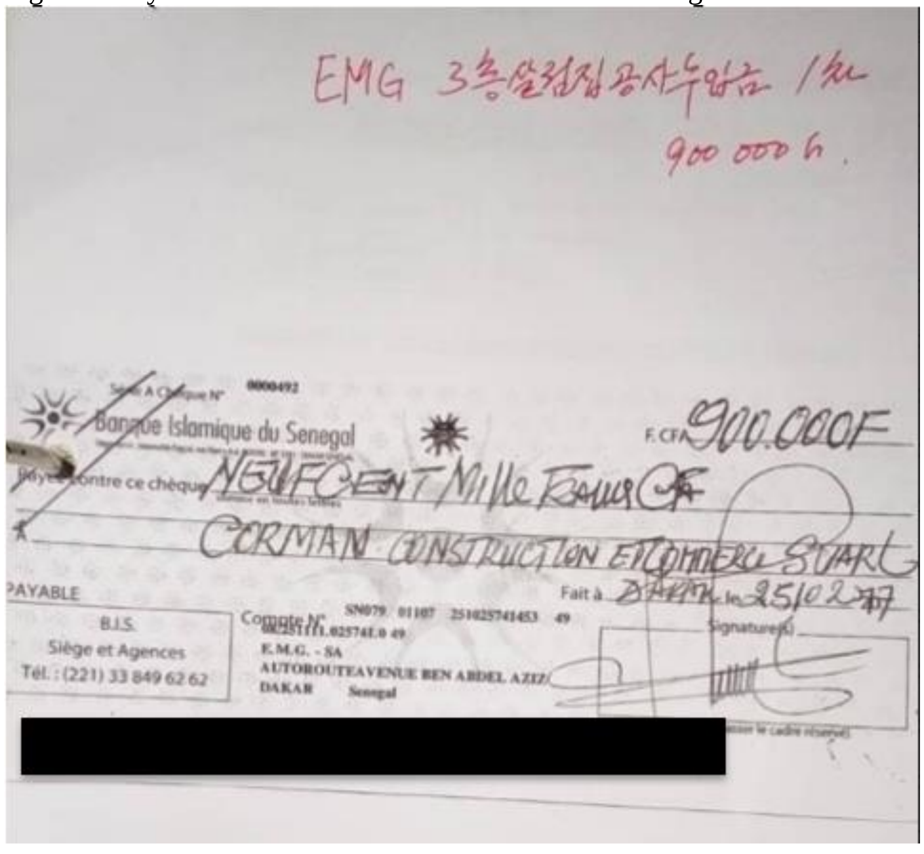
Le MO accompagnera l'entrepreneur pour la facilitation de tous les procédures nécessaires à la bonne exécution du projet.
Si le projet en cours serait suspendu à cause des mesures d'Etat et du gouvernement la responsabilité ne retombera en aucun cas à l'Entrepreneur.

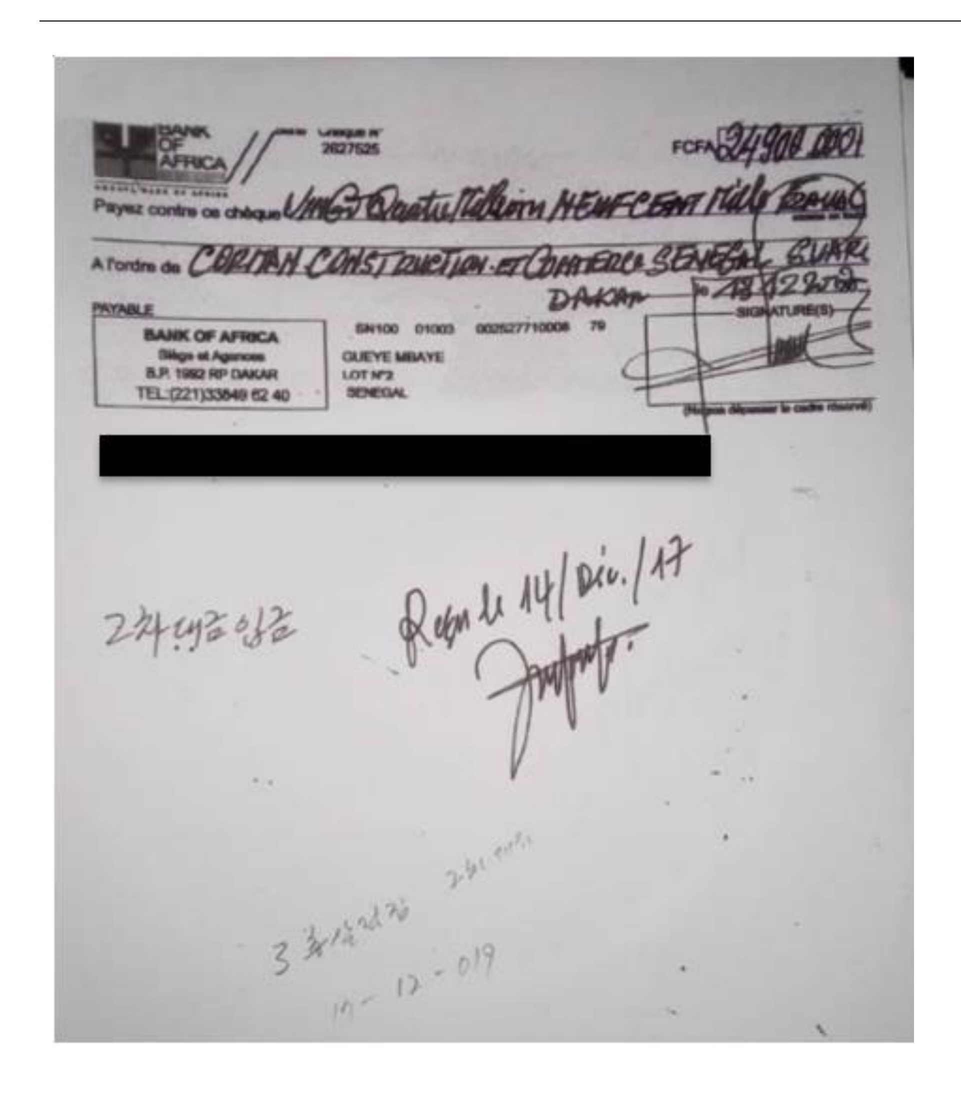
à DAKAR (Sénégal),
18oct. 2017,
double exemplaire.

e Maître d'Ouvrage
CI ADJA SENEBA

L'Entrepreneur
Corman GROUP OF COMPAGNIES

Figure 3. Payments from SCI ADJA Seneba to MOP Senegal and Corman Construction





BANK OF AFRICA

Chèque N° 2627525

FCFA 24 900 000

Payez contre ce chèque Vingt Quatre Millions NEUF CENT Mille Francs

A l'ordre de CORMAN CONSTRUCTION ET COMMERCE SENEGAL SUARL

DAKAR le

PAYABLE

BANK OF AFRICA
Siège et Agences
B.P. 1992 RP DAKAR
TEL:(221)33849 62 40

SN100 01003 002527710008 79

GUEYE MBAYE
LOT N°2
SENEGAL

SIGNATURE(S)

(Ne pas dépasser le cadre réservé)

[redacted]

2차대금입금

Reçu le 14/Déc./17

19-12-019

Annex 76: Patisen and Corman Construction

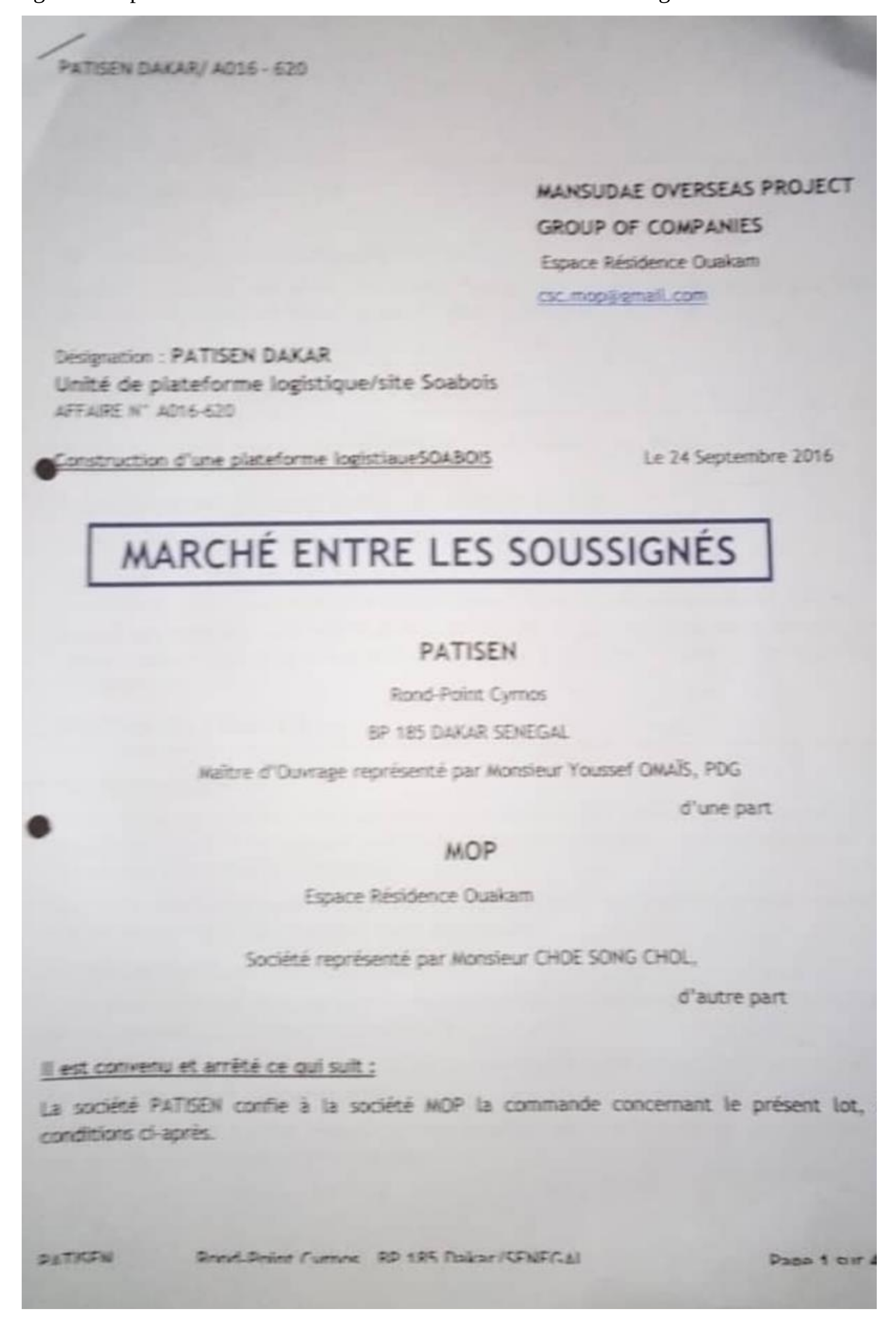
Patisen is a Sengal-based food processing company, founded in 1981 and headquartered in Dakar (also known as Patisserie Senegal). According to documents obtained by the Panel, Patisen signed a contract with MOP Senegal in September 2016 (Figure 1) to perform construction-related services on a loading dock. The contract is valued at CAF 750,000,000 (approximately USD 1,353,000) and signed by Mr. Choe Song Chol.

In January 2018, Patisen signed a contract with Corman Construction for interior construction related services at a salt factory— including, demolition, paving, and painting (Figure 2). The contract was valued at CAF 15,638,228 (approximately USD 28,200). Mr Choe Song Chol is listed on the contract as representing Corman Construction. Additionally, Corman Construction lists its email address as the same email address used by MOP Senegal.

Documents obtained by the Panel suggest that Corman Construction and Patisen signed into an additional contract for supplemental construction services in May 2018 (Figure 3). It is not known to the Panel whether these services were performed, but media sources indicate the presence of Democratic People's Republic of Korea labor at the site in September 2019 (Figure 4 and 5). The contract value was CAF 2,327,354 (approximately USD 4,000).

Figure 6 shows three payments from Patisen to Corman Construction. The first payment is dated 13 February 2018 and payable to Mr. Choe Song Chol in the amount of CAF 26,008,638. The second payment was for CAF 7,500,000 on 2 May 2018 and the third payment was for CAF 2,000,000 on 2 July 2018. The second payment was payable to Mr. Im Song Sun— a representative of both MOP Senegal and Corman Construction. Representatives from Patisen have not responded to the Panel's request for information.

Figure 1. September 2016 contract between Patisen and MOP Senegal



PATISEN DAKAR/ A016 - 620

MANSUDAE OVERSEAS PROJECT
GROUP OF COMPANIES
Espace Résidence Ouakam
csc.mop@gmail.com

Désignation : PATISEN DAKAR
Unité de plateforme logistique/site Soabois
AFFAIRE N° A016-620

Construction d'une plateforme logistiaueSOABOIS

Le 24 Septembre 2016

MARCHÉ ENTRE LES SOUSSIGNÉS

PATISEN
Rond-Point Cymos
BP 185 DAKAR SENEGAL
Maître d'Ouvrage représenté par Monsieur Youssef OMAÏS, PDG
d'une part

MOP
Espace Résidence Ouakam
Société représenté par Monsieur CHOE SONG CHOL,
d'autre part

Il est convenu et arrêté ce qui suit :

La société PATISEN confie à la société MOP la commande concernant le présent lot, conditions ci-après.

PATISEN Rond-Point Cymos BP 185 Dakar/SENEGAL Page 1 sur 4

PATISEN DAKAR/ A016 - 620

ARTICLE 1 - PRIX

Montant Total HT en Francs CFA **750 000 000 FCFA**

Sept Cent Cinquante millions de francs CFA.

Le prix ci-dessus est net, global, forfaitaire, ferme, non révisable et non actualisable, pour l'ensemble des travaux définis par la Spécification Technique du présent lot.

ARTICLE 2 - CONDITIONS DE PAIEMENT

Le paiement se fera par versement d'acomptes suivant l'avancement des travaux.

Présentation des factures et des situations de travaux

Des factures seront présentées suivant l'état d'avancement des travaux.

ARTICLE 3 - DÉLAIS DE LIVRAISON

Les services dont MOP a la responsabilité au titre de la présente commande, devront être exécutés suivant le planning d'exécution qui définit par corps d'état la durée et l'enchaînement des prestations.

ARTICLE 4 - PÉNALITES

Non-respect du planning

En cas de non-respect des délais du planning contractuel des travaux, il serait appliqué une pénalité de 1/500ème du montant hors taxes de la commande par jour calendaire de retard, plafonnée à 5 % du montant des travaux.

Nous nous réservons le droit de prolonger les délais ci-dessus. Les pénalités seraient néanmoins applicables à compter des nouveaux délais contractuels.

Absence et retards aux rendez-vous de chantiers

Les absences non excusées aux rendez-vous de chantier ou tout retard de plus de 45 minutes, feront l'objet d'une pénalité de 100 000 FCFA.

Ces absences seront comptabilisées à la fin de chaque mois et leur montant déduit des situations mensuelles correspondantes.

PATISEN se réserve le droit d'appliquer des pénalités par constatation (et par jour) du non-respect des règles d'hygiène et de sécurité.

ARTICLE 5 - PIECES CONTRATUELLES

5.1 Le présent marché de travaux

5.2 Le contrat signé entre PATISEN et MOP

5.4 Le planning d'exécution des travaux

5.5 Les devis de MOP ci joints : **Construction Plateforme logistique SOABOIS**

ARTICLE 6 - DISPOSITIONS DIVERSES PARTICULIERES

6.1 En cas de contestations, les parties conviennent de faire attribution de juridiction des Tribunaux de DAKAR.

6.2 L'entreprise reconnaît être allée sur le chantier avant l'établissement de son offre et avoir pris connaissance de toutes les sujétions nécessaires à la bonne réalisation des travaux.

6.4 Incluses toutes sujétions d'installation et de parfaite réalisation en égards aux Règles de l'Art en pareille matière.

6.5 Les entreprises sont pleinement responsables de leurs travaux et de leurs protections jusqu'à la réception.

ARTICLE 7 - ASSURANCES

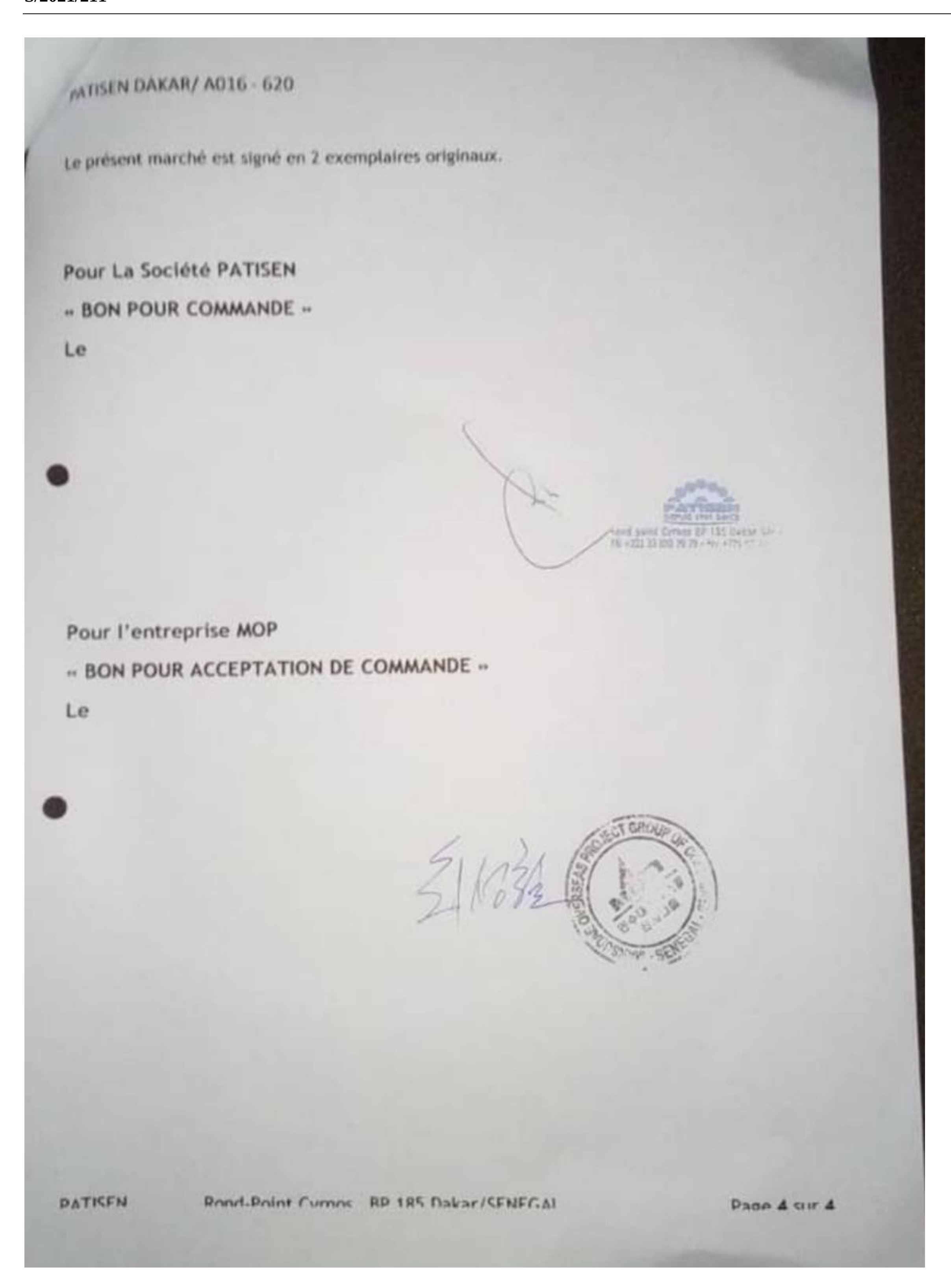
Le chapitre est régi par la disposition de l'article 4.4 du Cahier des Clauses particulières qui fait parti du marché.

A leur gré, les entreprises pourront ou non contracter une assurance contre le vol pour la durée des travaux.

Les travaux seront soumis au contrôle d'un Bureau de Contrôle.

ARTICLE 8 - TRAVAUX SUPPLEMANTAIRES

Si Patisen et MOP seront tombés d'accord sur les travaux supplementaires et d'autres travaux ailleurs en présence de devis validés, les devis seront considérés le contrat annexe .


PATISEN DAKAR/ A016 - 620

Le présent marché est signé en 2 exemplaires originaux.

Pour La Société PATISEN

« BON POUR COMMANDE »

Le

Pour l'entreprise MOP

« BON POUR ACCEPTATION DE COMMANDE »

Le

PATISEN Rond-Point Cyrnos BP 185 Dakar/SENEGAL Page 4 sur 4

Figure 2. January 2018 contract between Patisen and Corman Construction



Dakar le 13 Janvier 2018

CORMAN CONSTRUCTION COMMERCE SUARL

Architectural & Technical Service (Senegal)

Ref : CCC / D18- 004
Date : 13/Janvier/ 2018

Add : Espace Résidence Ouakam
E-mail : csc.mop@gmail.com

Tel : (00221) 77 463 84 36
Fax : (00221) 33 860 40 92

R.C SN DAKAR 2017 B 16435 NINEA 0064224222 Y2

PATISEN

PROJET DE CONSTRUCTION USINE DU SEL

Devis estimatif de dallage intérieur Usine TAMARO (2ème étape)

Récapitulation Générale

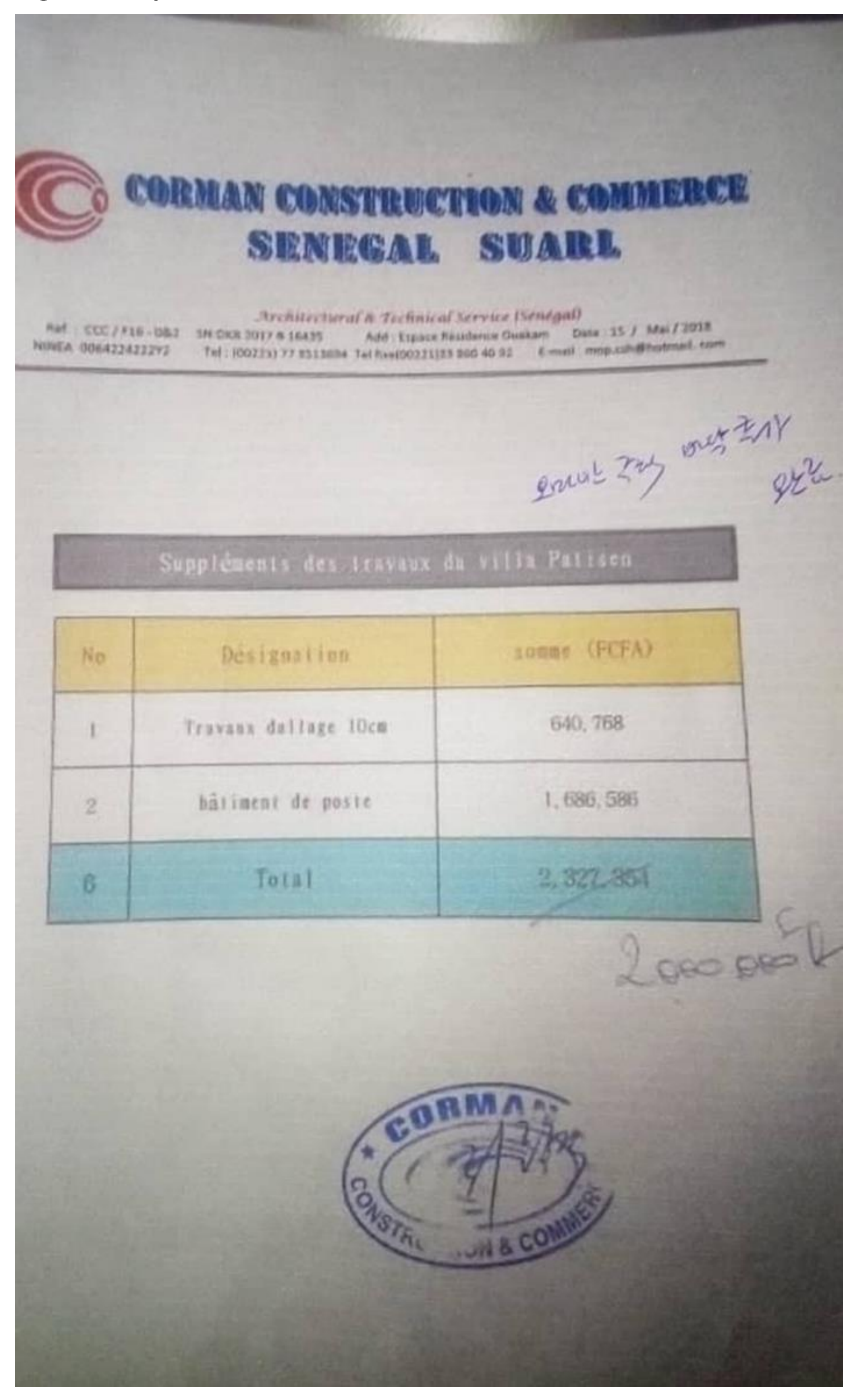
N°	Désignations	Prix Total (CFA)
LOT 1	1 - Démolition et évacuation structure exist	1,727,163
LOT 2	2 -Plancher à dalle pleine ep	11,447,938
LOT 3	3-Enduits	322,818
LOT 4	4.-Chambre technique	2,140,310
	TOTAL HTVA	15,638,228

Corman Construction et Commerce:

CHOE SONG CHOL

CORMAN CONSTRUCTION & COMMERCE

Figure 3. May 2018 contract between Patisen and Corman Construction



CORMAN CONSTRUCTION & COMMERCE
SENEGAL SUARL

Architectural & Technical Service (Sénégal)

Add : Espace Résidence Ouakam
Date : 15 / Mai / 2018

Suppléments des travaux du villa Patisen

No	Désignation	somme (FCFA)
1	Travaux dallage 10cm	640, 768
2	bâtiment de poste	1, 686, 586
6	Total	2, 327, 354

2,000,000

CORMAN CONSTRUCTION & COMMERCE

Figure 4. Reported DPRK nationals at the Patisen worksite, 16 September 2019



Source: https://www.voanews.com/africa/despite-un-sanctions-north-koreans-work-senegal

Figure 5. Undated Photo of Patisen Loading Docks



Source: Google Maps

Figure 6. Payments from Patisen to Corman Construction



Série 002 Chèque N° 2171494

BSIC
BANQUE SAHELO-SAHARIENNE POUR L'INVESTISSEMENT ET LE COMMERCE

FCFA 26.008.638

Payez contre ce chèque Vingt six millions huit mille six cent trente huit francs (Somme en toutes lettres)

A l'ordre de CHOE SONG CHOL

Le 2018

PAYABLE
TOUTES AGENCES BSIC
Plce de L'Indép.XRue Malenfant
B.P. 4106 Dakar Sénégal
Tel (221) 33 889 58 58

Compte N° SN111 01001 020028000012 37

PATISSERIE SENEGAL
BD DE LA LIBERATION X PLACE LE
BP 185 DAKAR

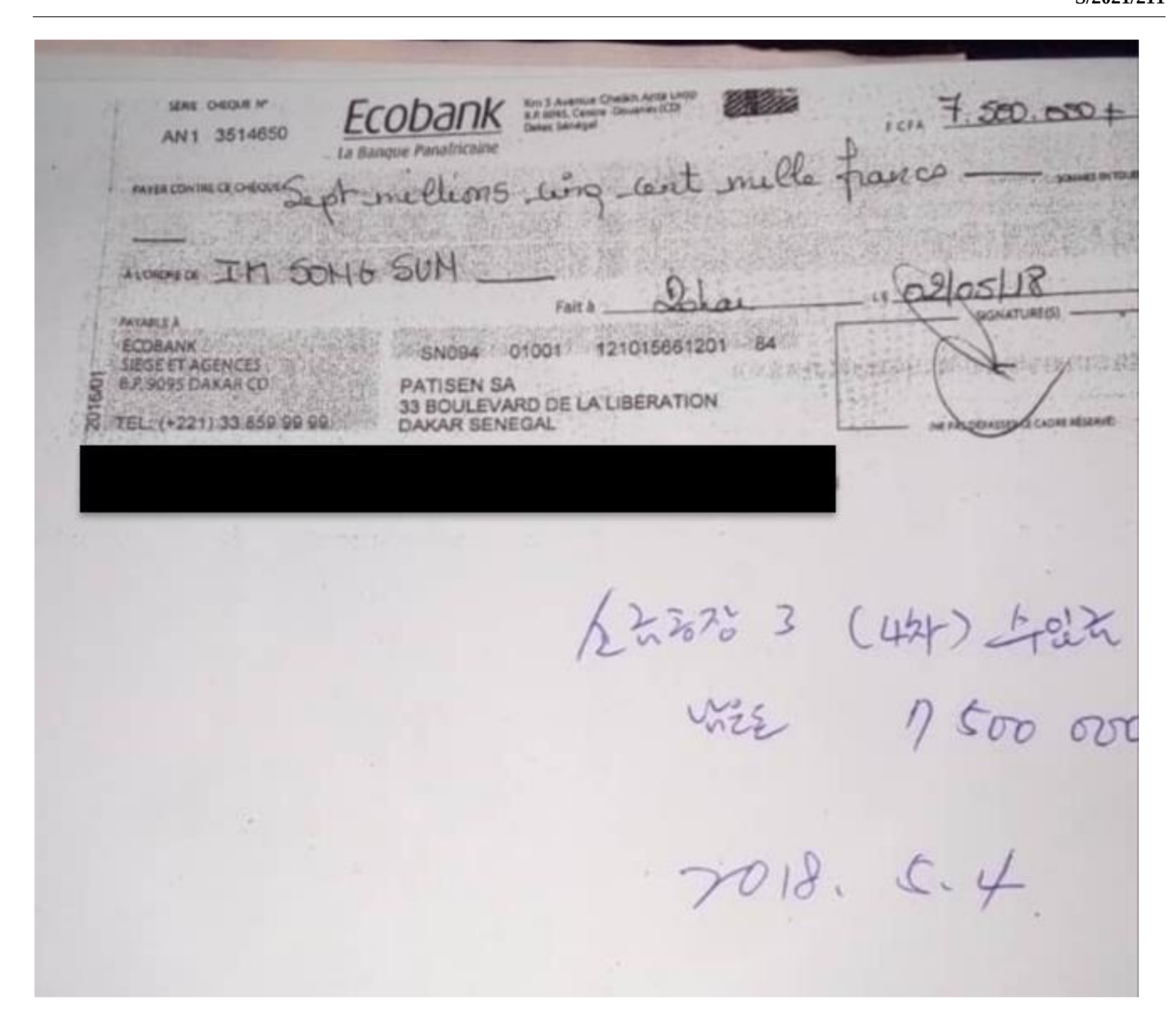
Signature (s)

(Ne pas dépasser le cadre)

[redacted]

2018. 2. 8 접수 15 638

Mayonnaise 10 390



SERIE CHEQUE N°
AN1 3514650

Ecobank
La Banque Panafricaine

FCFA 7.500.000 F

PAYER CONTRE CE CHÈQUE Sept millions cinq cent mille francs —— SOMMES EN TOUTES

A L'ORDRE DE IM SONG SUM ——

Fait à Dakar le 02/05/18

SIGNATURE(S)

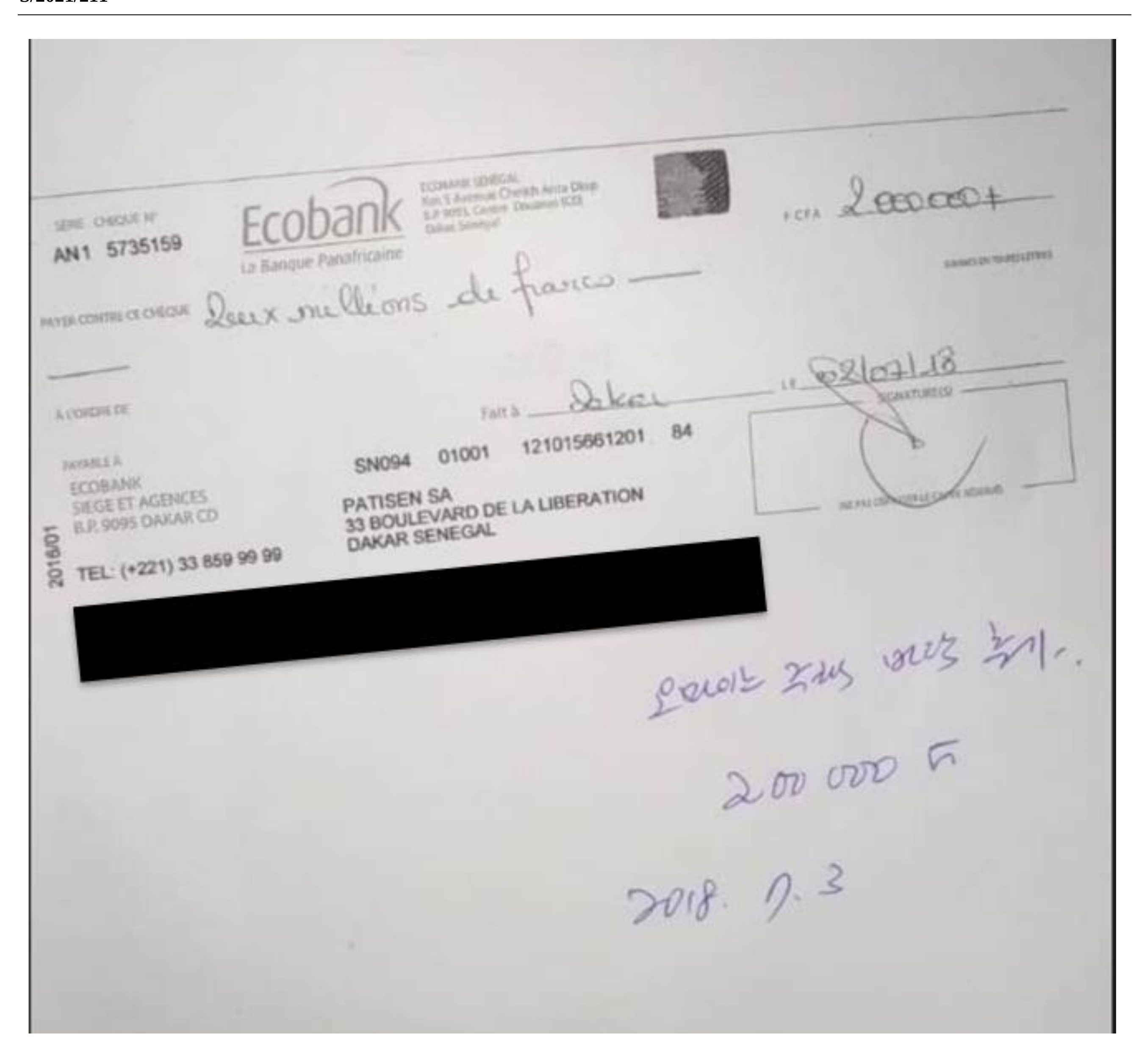
PAYABLE À
ECOBANK
SIEGE ET AGENCES
B.P. 9095 DAKAR CD
TEL: (+221) 33 859 99 99

SN094 01001 121015661201 84

PATISEN SA
33 BOULEVARD DE LA LIBERATION
DAKAR SENEGAL

[redacted]

소금공장 3 (4차) 수입금
받았음 7 500 000
2018. 5. 4



SERIE CHEQUE N°
AN1 5735159

Ecobank
La Banque Panafricaine

F CFA 2 000 000 +

PAYEZ CONTRE CE CHÈQUE Deux millions de francs

À L'ORDRE DE

Fait à Dakar Le 02/07/18

SIGNATURE(S)

PAYABLE À
ECOBANK
SIEGE ET AGENCES
B.P. 9095 DAKAR CD
TEL: (+221) 33 859 99 99

SN094 01001 121015661201 84

PATISEN SA
33 BOULEVARD DE LA LIBERATION
DAKAR SENEGAL

2016/01

[redacted]

2 000 000 F

2018. 7. 3

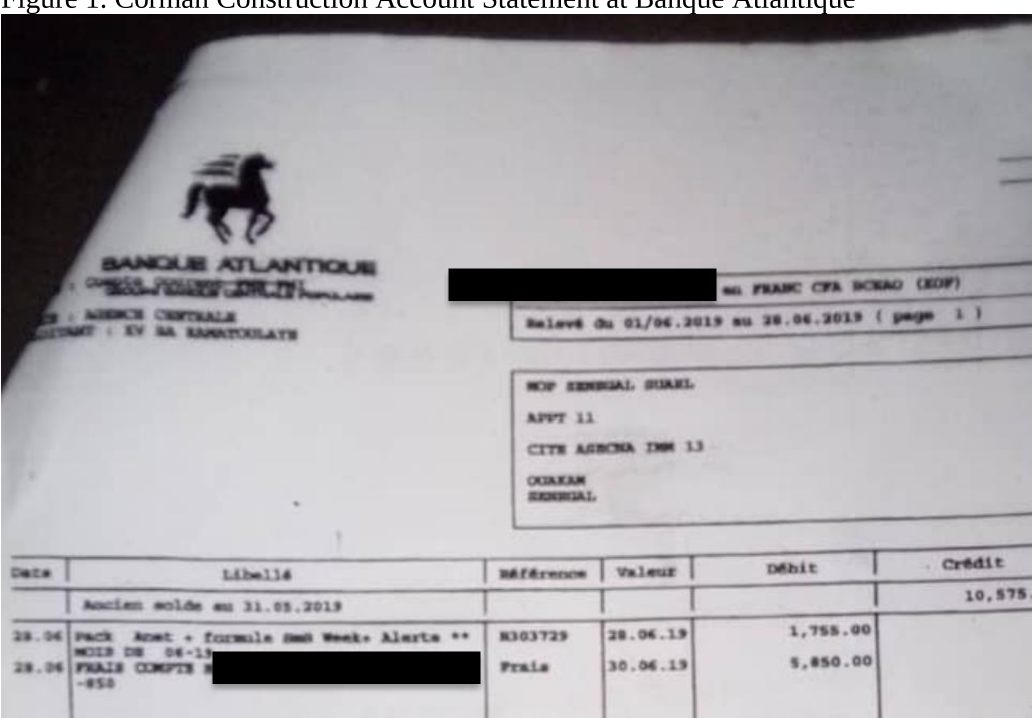
Annex 77: Corman Construction work on the Diamniadio Lake City development

Based on information obtained by the Panel, as well as publicly available information, the Panel made inquiries into alleged work performed by Corman Construction on the Diamniadio Lake City development project in Dakar, Senegal. In its response to the Panel's inquiry, representatives from the company in charge of the Diamniadio Lake City development project stated that their organization did not have "any partnership or commercial relationship with the company Corman Construction & Commerce SUARL…" The representative further stated that in July 2019, representatives from Corman Construction visited the project site to offer their services but those services were declined.

The Panel has obtained additional financial records, however, that indicate at least two payments were made to Corman Construction and Commerce for work performed on the Diamniadio Lake City development project. These payments occurred in May and June 2020, in the amount of CAF 15,000,000 and CAF 21,000,000, respectively.

Annex 78: Corman Construction Financial Accounts

Figure 1. Corman Construction Account Statement at Banque Atlantique

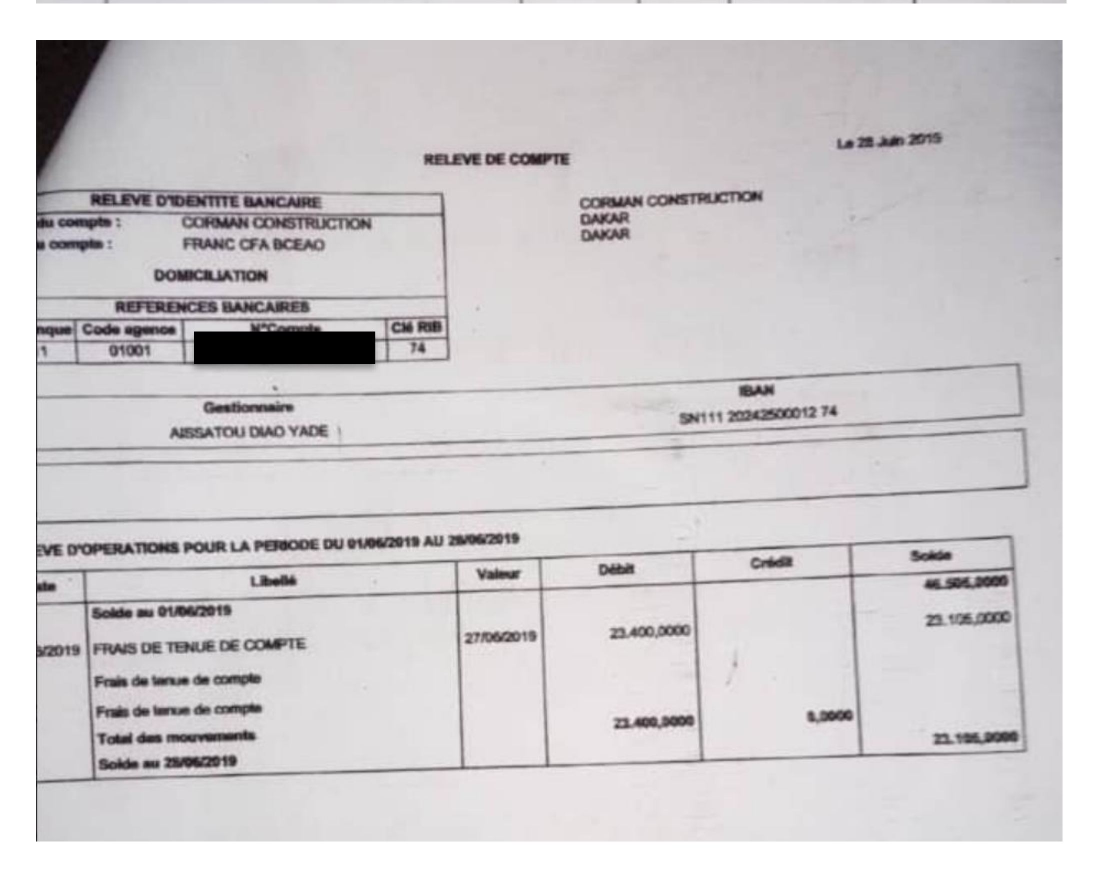

BANQUE ATLANTIQUE

[redacted] en FRANC CFA BCEAO (XOF)

Relevé du 01/06.2019 au 28.06.2019 (page 1)

MOP SENEGAL SUARL
APPT 11
CITE ASECNA IMM 13
OUAKAM
SENEGAL

Date	Libellé	Référence	Valeur	Débit	Crédit
	Ancien solde au 31.05.2019				10,575
28.06	Pack Aomt + formule Week+ Alerte ** MOIS DE 06-19	R303729	28.06.19	1,755.00	
28.06	FRAIS COMPTE [redacted] -850	Frais	30.06.19	5,850.00	


RELEVE DE COMPTE

Le 28 Juin 2019

RELEVE D'IDENTITE BANCAIRE
du compte : CORMAN CONSTRUCTION
u compte : FRANC CFA BCEAO

CORMAN CONSTRUCTION
DAKAR
DAKAR

DOMICILIATION

REFERENCES BANCAIRES

nque	Code agence	N°Compte	Clé RIB
1	01001	[redacted]	74

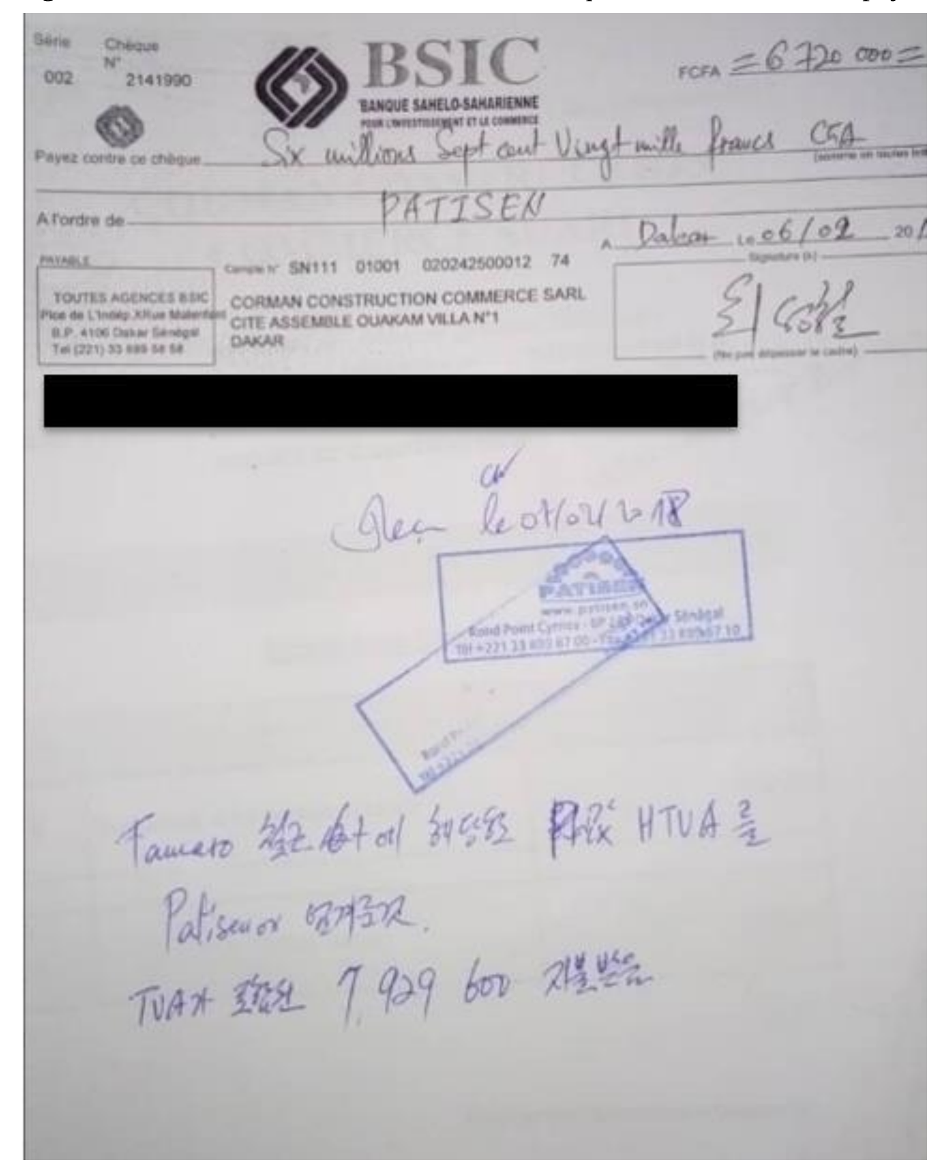
Gestionnaire
AISSATOU DIAO YADE

IBAN
SN111 20242500012 74

EVE D'OPERATIONS POUR LA PERIODE DU 01/06/2019 AU 28/06/2019

ate	Libellé	Valeur	Débit	Crédit	Solde
	Solde au 01/06/2019				46.505,0000
/2019	FRAIS DE TENUE DE COMPTE	27/06/2019	23.400,0000		23.105,0000
	Frais de tenue de compte				
	Frais de tenue de compte				
	Total des mouvements		23.400,0000	0,0000	
	Solde au 28/06/2019				23.105,0000

Figure 2. Corman Construction check from Banque Sahelo-Saharienne, payable to Patisen



Série 002 Chèque N° 2141990

BSIC
BANQUE SAHELO-SAHARIENNE
POUR L'INVESTISSEMENT ET LE COMMERCE

FCFA =6 720 000=

Payez contre ce chèque Six millions Sept cent Vingt mille francs CFA

A l'ordre de PATISEN

A Dakar le 06/02 20

PAYABLE
TOUTES AGENCES BSIC
Pl de L'Indép. X Rue Malenfant
B.P. 4106 Dakar Sénégal
Tel (221) 33 889 58 58

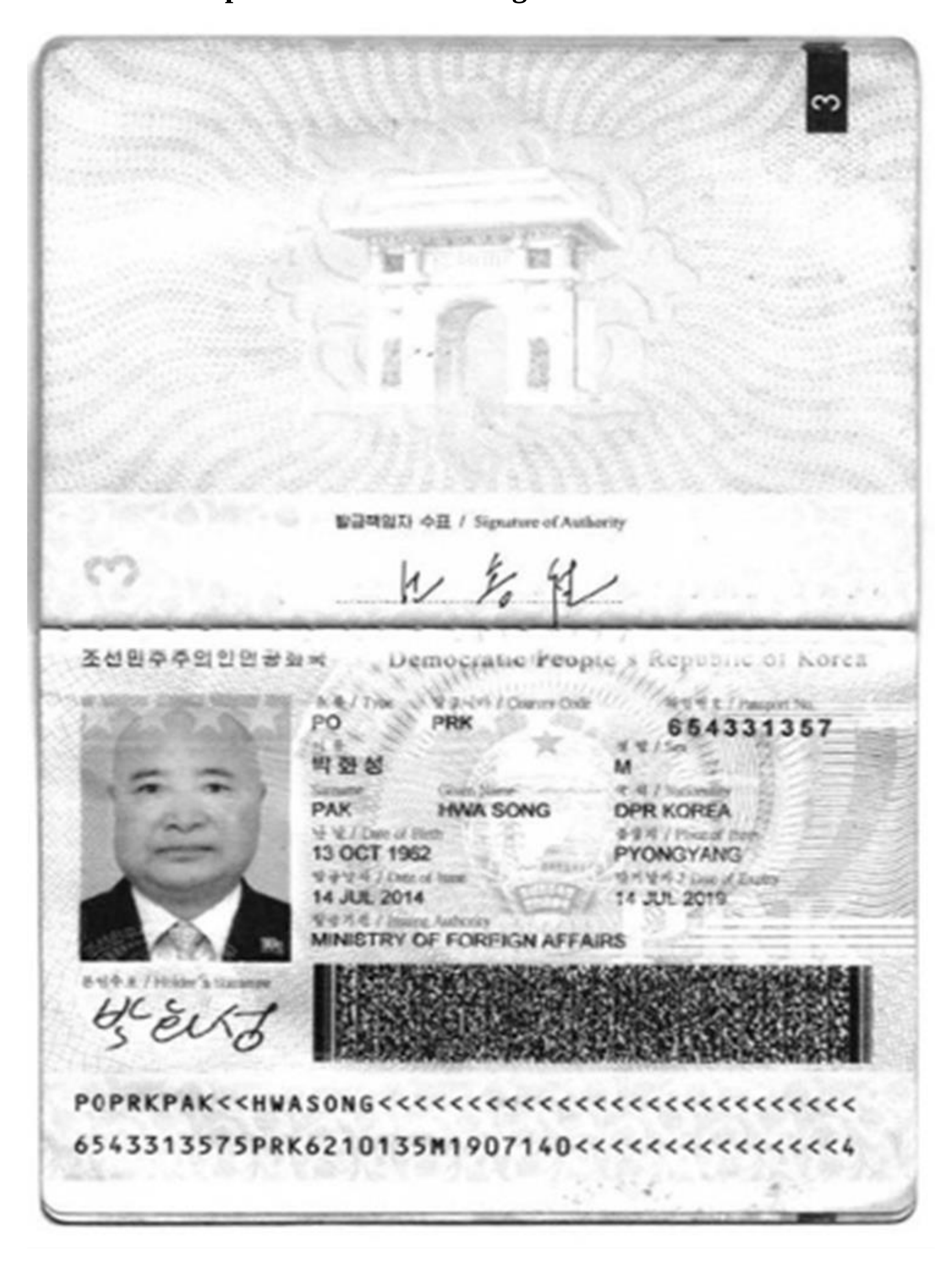
Compte N° SN111 01001 020242500012 74

CORMAN CONSTRUCTION COMMERCE SARL
CITE ASSEMBLE OUAKAM VILLA N°1
DAKAR

Signature (s)

[redacted]

Annex 79: Passport for Pak Hwa Song



Annex 80: Passport for Hwang Kil Su



Annex 81: Corporate Registration and related documentation for Congo Aconde SARL

Figure 1. Corporate Registration document, dated 26 February 2018

M o

A.P. Porto Novo 23/24 juin 1999

DECLARATION ■ de CONSTITUTION DE PERSONNE MORALE
ou □ d'OUVERTURE **d'un ETABLISSEMENT SECONDAIRE**
ou □ d'OUVERTURE d'une **SUCCURSALE** d'une personne morale ETRANGERE

RENSEIGNEMENTS RELATIFS A LA PERSONNE MORALE

1 DENOMINATION : **CONGO ACONDE**
NOM COMMERCIAL : ____________ ENSEIGNE : ____________ SIGLE : **C.A**
2 ADRESSE DU SIEGE : **1041 avenue Ulindi,Q/Golf, C/Lubumbashi, V/Lubumbashi, P/Katanga, RD Congo**
3 ADRESSE DE L'ETABLISSEMENT CREE : ____________
FORME JURIDIQUE : **S.A.R.L.** N° R.C.C.M. du siège : **CD/LSH/RCCM/18-B-00029**
4 CAPITAL SOCIAL : **16147271 CDF** DONT NUMERAIRES : ____________ DONT EN NATURE : ____________
5 DUREE : **99** Années entières consécutives

RENSEIGNEMENTS RELATIFS A L'ACTIVITE ET AUX ETABLISSEMENTS

6 **ACTIVITE** : ACTIVITE PRINCIPALE : (préciser) Aménagement des places publiques Embellissement de l'environnement Décoration Bâtiments, Travaux publics. Et généralement, toutes les opérations financières, commerciales, industrielles, mobilières et immobilières, pouvant se rattacher directement ou indirectement à l'objet ci-dessus ou à tout objet similaires ou connexes.
8 Date de début : **26/02/2018** Nombre de salariés prévus : **6**

PRINCIPAL ETABLISSEMENT OU SUCCURSALE :
9 Adresse :
10 Origine : ■ Création □ Achat □ Apport □ Prise en location gérance □ Autres
11 (préciser) : ____________
12 Précédent exploitant : Nom : ____________ Prénoms : ____________
13 Adresse : ____________ N° RCCM : ____________
Loueur de fonds (nom/dénomination, adresse) :
14 **ETABLISSEMENTS SECONDAIRES** : (autres que celui créé) ■ Non □ Oui (préciser) :
Adresse : ____________
Acivité : ____________

ASSOCIES TENUS INDEFINIMENT ET PERSONNELLEMENT (*)

15 (*) La totalité des renseignements relatifs à ces associés doit IMPERATIVEMENT figurer sur le formulaire complémentaires M.o Bis annexé.
RESUME DES INFORMATIONS :

NOM	PRENOM	DATE LIEU DE NAISSANCE	ADRESSE

RENSEIGNEMENTS RELATIFS AUX DIRIGEANTS (*)(**)

16 (*) Concerne les Gérants, Administrateurs ou associés ayant le pouvoir d'engager la personne morale
(**) Les renseignements ne pouvant figurer ci-dessous doivent IMPERATIVEMENT être reportés sur le formulaire M.o Bis annexé.

NOM	PRENOM	DATE LIEU DE NAISSANCE	ADRESSE	FONCTION(***)
M. PAK	HWA SONG	13/10/1962 A PYONGYANG	1041 avenue Ulindi,Q/Golf, C/Lubumbashi, V/Lubumbashi, P/Katanga, RD Congo	Gérant

(***) Préciser : Gérant, PDG, Administrateur, Associé

COMMISSAIRES AUX COMPTES

17

NOM	PRENOM	DATE LIEU DE NAISSANCE	ADRESSE	FONCTION
				TITULAIRE
				SUPPLEANT

LE SOUSSIGNE (préciser si mandataire) : **MAÎTRE RICK LUMBALA NGOY**, MANDATAIRE
demande à ce que la présente constitue ■ **DEMANDE D'IMMATRICULATION AU R.C.C.M.**

Fait à Lubumbashi
Le 26/02/2018
Signature

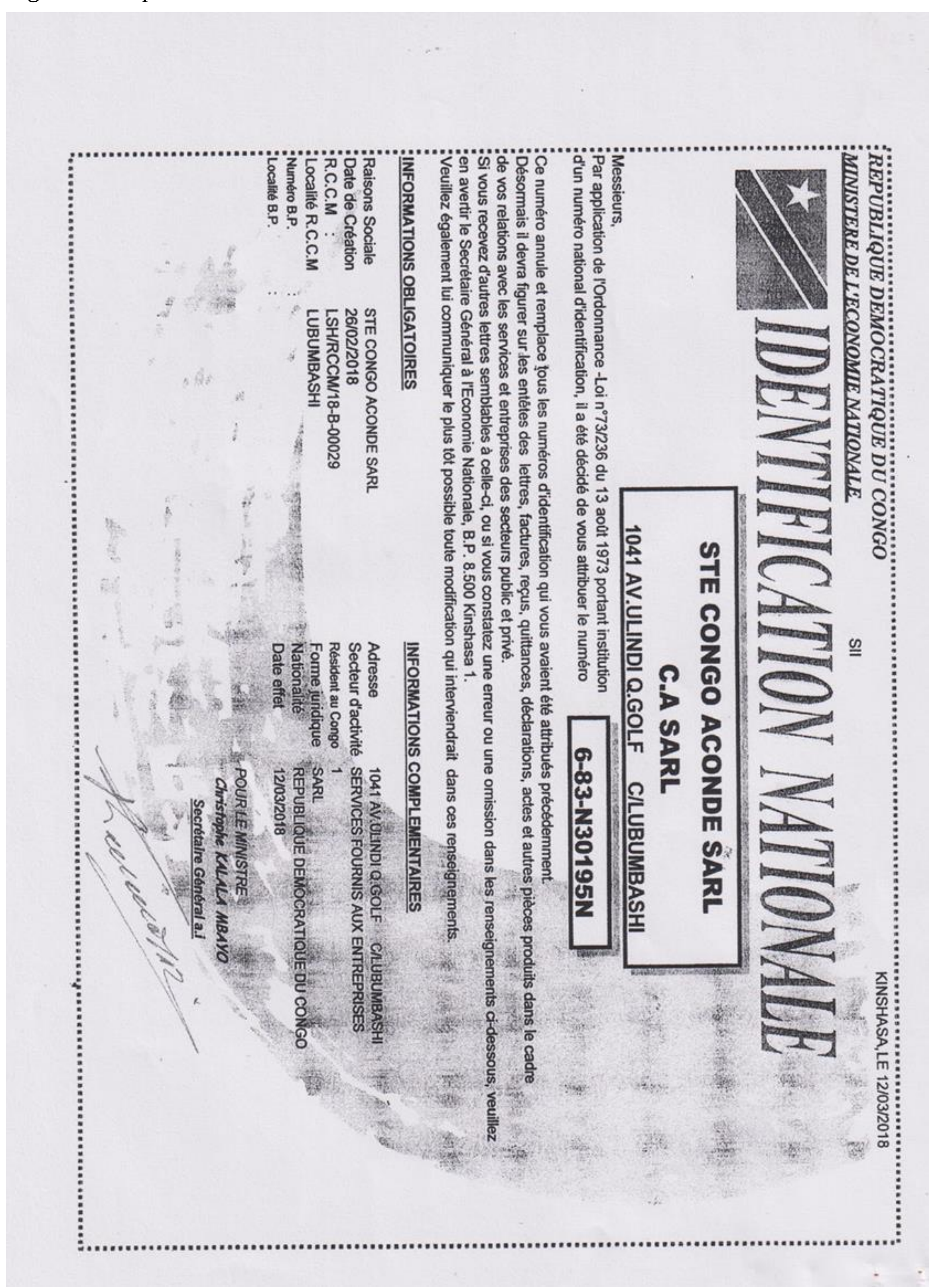
18 La conformité de la déclaration avec les pièces justificatives produites en application de L'Acte Uniforme sur le Droit commercial général a été vérifiée par le Greffier Titulaire du Guichet Unique soussigné qui a procédé à l'inscription le **26/02/2018** sous le NUMERO **CD/LSH/RCCM/18-B-00029**

26 FEV 2018

REPUBLIQUE DEMOCRATIQUE DU CONGO
GUICHET UNIQUE
ANTENNE DE LUBUMBASHI
GREFFE D'IMMATRICULATION
DE CREATION D'ENTREPRISE
MINISTERE DE LA JUSTICE ET GARDE DES SCEAUX

Papalas
MUSAGI WABULASA
Greffier Titulaire du Guichet Unique

Figure 2. Corporate National Identification record



REPUBLIQUE DEMOCRATIQUE DU CONGO KINSHASA,LE 12/03/2018

MINISTERE DE L'ECONOMIE NATIONALE SII

IDENTIFICATION NATIONALE

STE CONGO ACONDE SARL

C.A SARL

1041 AV.ULINDI Q.GOLF C/LUBUMBASHI

Messieurs,

Par application de l'Ordonnance -Loi n°73/236 du 13 août 1973 portant institution d'un numéro national d'identification, il a été décidé de vous attribuer le numéro **6-83-N30195N**

Ce numéro annule et remplace tous les numéros d'identification qui vous avaient été attribués précédemment.
Désormais il devra figurer sur les entêtes des lettres, factures, reçus, quittances, déclarations, actes et autres pièces produits dans le cadre de vos relations avec les services et entreprises des secteurs public et privé.
Si vous recevez d'autres lettres semblables à celle-ci, ou si vous constatez une erreur ou une omission dans les renseignements ci-dessous, veuillez en avertir le Secrétaire Général à l'Economie Nationale, B.P. 8.500 Kinshasa 1.
Veuillez également lui communiquer le plus tôt possible toute modification qui interviendrait dans ces renseignements.

INFORMATIONS OBLIGATOIRES

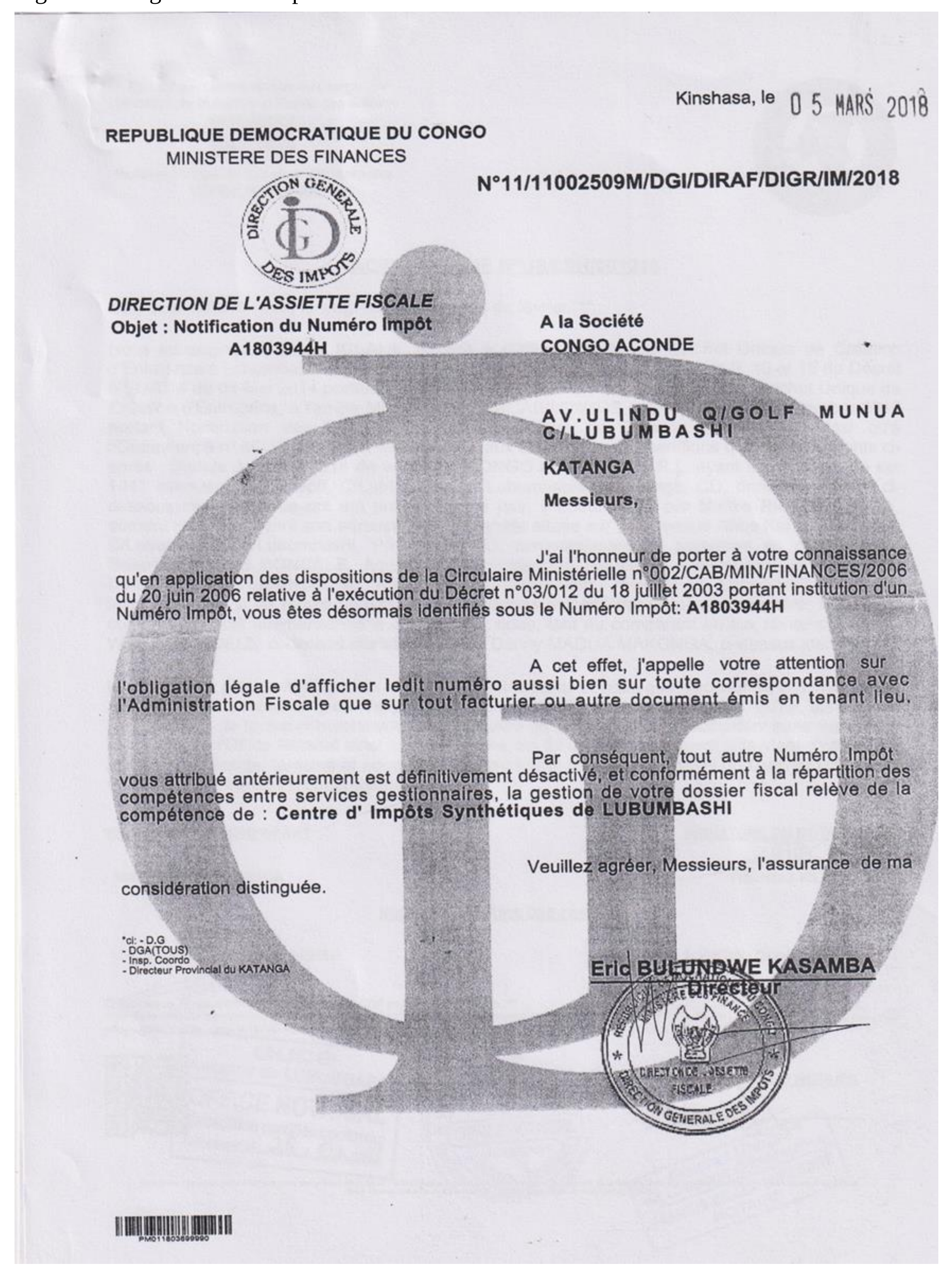
Raisons Sociale STE CONGO ACONDE SARL
Date de Création 26/02/2018
R.C.C.M : LSH/RCCM/18-B-00029
Localité R.C.C.M LUBUMBASHI
Numéro B.P. :
Localité B.P. :

INFORMATIONS COMPLEMENTAIRES

Adresse 1041 AV.ULINDI Q.GOLF C/LUBUMBASHI
Secteur d'activité SERVICES FOURNIS AUX ENTREPRISES
Résident au Congo 1
Forme juridique SARL
Nationalité REPUBLIQUE DEMOCRATIQUE DU CONGO
Date effet 12/03/2018

POUR LE MINISTRE
Christophe KALALA MBAYO
Secrétaire Général a.i

Figure 3. Congo Aconde corporate tax document



Kinshasa, le 05 MARS 2018

REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DES FINANCES

N°11/11002509M/DGI/DIRAF/DIGR/IM/2018

DIRECTION DE L'ASSIETTE FISCALE

Objet : Notification du Numéro Impôt A1803944H

A la Société
CONGO ACONDE

AV.ULINDU Q/GOLF MUNUA C/LUBUMBASHI

KATANGA

Messieurs,

J'ai l'honneur de porter à votre connaissance qu'en application des dispositions de la Circulaire Ministérielle n°002/CAB/MIN/FINANCES/2006 du 20 juin 2006 relative à l'exécution du Décret n°03/012 du 18 juillet 2003 portant institution d'un Numéro Impôt, vous êtes désormais identifiés sous le Numéro Impôt: **A1803944H**

A cet effet, j'appelle votre attention sur l'obligation légale d'afficher ledit numéro aussi bien sur toute correspondance avec l'Administration Fiscale que sur tout facturier ou autre document émis en tenant lieu.

Par conséquent, tout autre Numéro Impôt vous attribué antérieurement est définitivement désactivé, et conformément à la répartition des compétences entre services gestionnaires, la gestion de votre dossier fiscal relève de la compétence de : **Centre d' Impôts Synthétiques de LUBUMBASHI**

Veuillez agréer, Messieurs, l'assurance de ma considération distinguée.

*cl: - D.G
- DGA(TOUS)
- Insp. Coordo
- Directeur Provincial du KATANGA

Eric BULUNDWE KASAMBA
Directeur

PM011803699990

Figure 4. Articles of Incorporation signature page

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2. En outre les soussignés donnent mandat à Monsieur PAK HWA SONG résident au nº 1044 Avenue ULINDI Quartier Golf Commune et Ville de Lubumbashi à l'effet de prendre les engagements suivant au nom et pour le compte de la société CONGO ACONDE S.A.R.L

Article 28 : Les frais, droits et honoraires des présents statuts sont à charge de la société.

Fait à Lubumbashi, le 21/02/2018 en 6 originaux

LES ASSOCIES

1. Monsieur PAK HWA SONG
2. Monsieur HWANG KIL SU

Figure 5. Capital Declaration

DECLARATION DE SOUSCRIPTION DU CAPITAL SOCIAL

Nous soussignés : PAK HWA SONG et HWANG KIL SU déclarons par la présente avoir souscrit le montant de 10.000USD (dollars américains dix mille) comme capital social de la société CONGO ACONDE S.A.R.L en sigle C.A

Fait à Lubumbashi le 21/02/2016

LES ASSOCIES SIGNATAIRES

1. PAK HWA SONG
2. HWANG KIL SU

The Panel is investigating the date discrepancy with the date on the capital declaration.

Annex 82: Congo Aconde account numbers and domicile statement

Afriland First Bank

N°	NAMES	ACCOUNT N°	DATE OF OPENING
1	PAK HWA SONG	[redacted] USD	14/06/2019
2	HWANG KIL SU	[redacted] USD	13/06/2019
3	RY YONG GWANG	[redacted] USD	12/07/2019
4	HAN KYONG HO	[redacted] USD	14/06/2019
5	RIM CHOL	[redacted] USD	08/07/2019
6	CONGO ACONDE SARL	[redacted] USD	23/02/2018
		[redacted] USD	27/04/2018



Siège Social
Boulevard du 30 juin n°767
Kinshasa/Gombe
(+243) 99 000 11 11
(+243) 99 000 22 22
Numéro d'impôt A0700212P
CD/KIN/RCCM/14-B-3350

ATTESTATION DE DOMICILIATION BANCAIRE

Nous soussignés **AFRILAND FIRST BANK CD SA**, dont le Siège Social est au n°767 Boulevard du 30 juin, BP 10470 à Kinshasa/Gombe,

Attestons que **CONGO ACONDE SARL, STE EN FORMATION,** entretient le compte suivant :

- **N° de Compte** : [redacted] **USD**
- **COORDONNEES CORRESPONDANTS / BMCE BANK**

  SWIFT CODE : **BMCEFRPP**

  IBAN USD : **IBAN FR**[redacted]

  IBAN EURO : **IBANFR**[redacted]
- **COORDONNEES AFRILAND FIRST BANK CD**

  SWIFT CODE : **AFCDCDKIXXX**

Ouvert dans nos livres à l'Agence de Lubumbashi avec **un versement de $US 10.000,00 pour la constitution du capital social.**

En foi de quoi, la présente attestation est délivrée pour servir et valoir ce que de droit.

Fait à Lubumbashi, le 23 Février 2018

Pour Afriland First Bank CD SA
Agence de Lubumbashi

Contrôleurs des Opérations	**Le Chef d'Agence**
Manix KANIKI	**Lévi's LEMBA**

AFRILAND FIRST BANK CD
54, Av. MOERO
Agence de LUBUMBASHI

19. Limitations, exclusions de la responsabilité de la Banque

La Banque ne répond pas des dommages ou autres conséquences qui peuvent être causés par:

- le défaut d'authenticité de signature des ordres qui sont donnes à la Banque;
- l'irrégularité des procédures d'opposition judiciaire ou extrajudiciaire ;
- le non-prélèvement ou le prélèvement incorrect des retenues fiscales applicables ;
- les lois, usages, coutumes, règles ou conventions applicables aux correspondants, centres de dépôts collectifs a systèmes de compensation ;
- toute information commerciale donnée, transmise ou reçue de bonne foi ;
- tout événement généralement quelconque d'ordre politique, économique ou social, de nature à troubler, désorganiser ou interrompre totalement ou partiellement les services de la Banque alors même que ces événements n'auraient pas le caractère de force majeure;
- le manquement par le Client de se conformer à toutes les dispositions légales ou réglementaires de son pays de résidence ou de toute autre législation applicable.

D'une façon générale, la Banque ne répond que de sa faute grave dans ses relations avec le Client.

20. Données informatiques

La Banque se réserve le droit de mettre sur support informatique une série de données nominatives se rapportant à chaque Client. Le refus de communiquer celles-ci à la Banque et l'interdiction qui lui serait faite d'avoir recours à ces techniques, seraient un obstacle à une entrée en relation ou au maintien des relations existantes avec la Banque. Ainsi, le Client s'engage à signaler sans délai les modifications intervenues dans les informations personnelles communiquées à la Banque notamment en ce qui concerne l'adresse, la capacité des signataires, le statut civil, etc.

Toute modification de la situation du client qui n'aurait pas été signalée ne saurait être opposable à la Banque.

21. Modification des Conditions Générales

La Banque peut modifier à tout moment les présentes Conditions Générales par une notification écrite pour tenir compte notamment des modifications législatives ou réglementaires, ainsi que des usages de la place et de la situation de marché ou de la politique de la Banque. En cas de contestation écrite, la Banque mettra immédiatement fin aux relations avec le client.

22. Lieu d'exécution des obligations de la Banque

Pour des raison d'efficacité, la Banque peut être conduite à mettre le client en relation avec des unités différentes en son sein. En toute hypothèse et sauf stipulation contraire expresse, l'unité de domiciliation du compte du Client est le lieu d'exécution des obligations de la Banque envers le Client et du Client envers la Banque.

23. Enregistrement des communications téléphoniques

Le Client reconnait à la Banque le droit de procéder à l'enregistrement de leurs communications téléphoniques. La Banque peut conserver les enregistrements aussi longtemps qu'elle le jugera utile.

En cas de contestation relative à un ordre donné par voie téléphonique par le client, les enregistrements auront valeur de preuve. Le défaut d'enregistrement ou de conservation ne pourra pas être invoqué à l'encontre de la Banque.

24. Expédition d'objets

Toute expédition au Client d'espèces, de valeurs mobilières ou autres valeurs quelles qu'elles soient, est effectuée aux frais et aux risques et périls du Client.

La Banque peut souscrire, aux frais du Client, une assurance afin de couvrir ces expéditions, mais elle ne sera pas tenue de le faire à moins qu'elle en ait reçu l'ordre formel écrit du Client.

En cas de sinistre, la Banque payera au Client les indemnités versées effectivement par la compagnie d'assurance après les déductions applicables.

25. Confidentialité des informations

Toute information relative au(x) compte(s) du Client et aux opérations qui y sont liées sera traitée par la Banque comme strictement confidentielle. Une telle information ne sera divulguée par la Banque qu'au Client ou conformément aux instructions du Client.

26. Prêt de titres

La Banque est autorisée à utiliser les titres du Client dans des opérations de prêt pour autant que ces opérations ont lieu dans un marché généralement ouvert aux professionnels du secteur financier et organisé par des agents de change ou par des systèmes de compensation ou par des institutions organisant le marché. Ce prêt se ra fait au risque et profit de la Banque à condition toutefois que la responsabilité de la Banque envers son Client ne soit en aucune circonstance supérieure à la responsabilité revenant aux systèmes de compensation ou aux institutions organisant le marché, conformément aux usages et règles applicables dans le marché concerné. Aucune rémunération ne sera payable au client qui reconnait que les frais de garde et de conservation afférents au dépôt de titres tiennent compte de l'autorisation donnée par le client à la banque pour le prêt de titre.

27. Droit applicable et for

La loi applicable est celle du lieu du siège social de la Banque.

Les litiges éventuels entre le Client et la Banque seront de la compétence exclusive du tribunal du lieu du siège de la banque ou de l'agence auprès de laquelle le compte est ouvert. La Banque se réserve toutefois le droit d'agir au lieu de résidence du Client ou devant tout autre tribunal compétent malgré l'élection de juridiction qui précède.

28. Acceptation

Le soussigné, Client, déclare avoir spécialement lu et approuvé tous les articles des présentes conditions générales de Banque et par sa signature, ci-dessous accepte expressément qu'ils l'engagent dans leur intégralité et sans aucune réserve.

Pour la banque

Le client
(Nom et signature précédés de la mention lu et approuvé)

Lu et approuvé

Fait en deux exemplaires
à Lubumbashi le 23/02/2018

Pak Hwa Song
Hwang Kil Su

Validation
Date 23/02/2018
Visa

INTITULE: CONGO ACONAE SARL

N° du Compte [redacted]

Nom, Prénom(s) et n° CNI des signataires	Spécimen de signature		Observations / pouvoirs
A PAK HWA SONG Gérant			seul
B Hwang Kil Su Conseiller technique			seul
C			

Annex 83: Passports of Han Kyong Ho, Ri Yong Gwang and Rim Chol

Figure 1. Han Kyong Ho’s passport

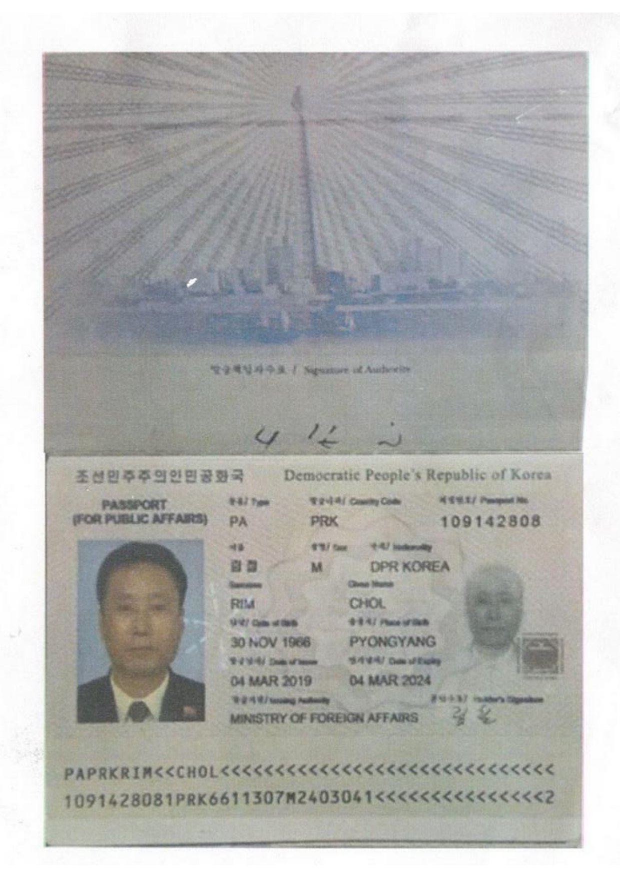


Figure 2. Ri Yong Gwang's passport



Figure 3. Rim Chol’s passport





Annex 84: Congo Aconde and Monuments in Haut Lomami

Haut Lomami : inauguration des monuments Mzee Kabila et Ilunga Mbidi a Kamina

Agence Congolaise de Presse (French)
Mercredi 23 Janvier 2019

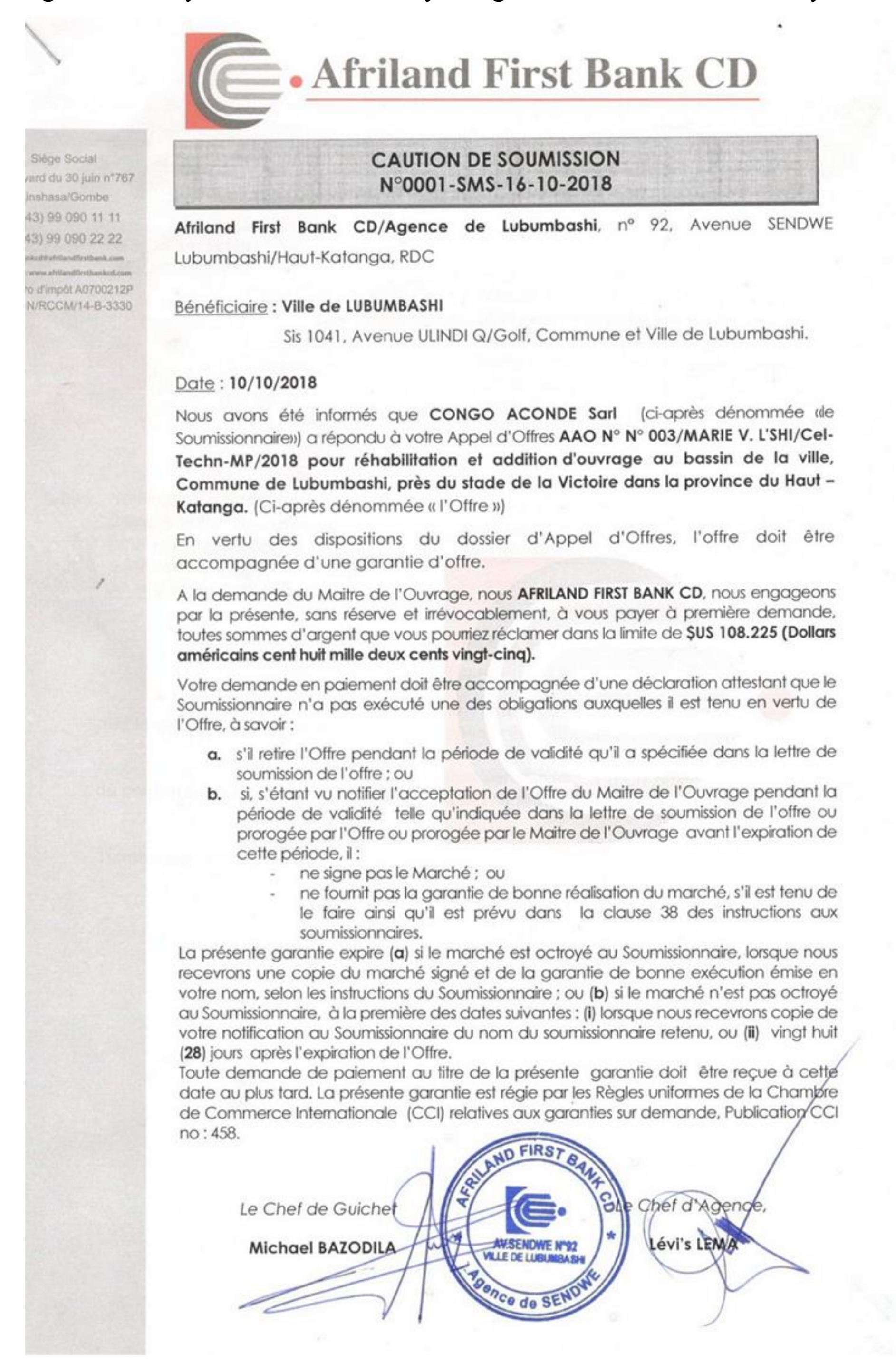
Kamina, 23 janvier 2019 (ACP).- Le gouverneur du Haut Lomami, Kalenga Mwenzemi a procédé mercredi à Kamina, au dévoilement du monument Mzee Laurent Désiré Kabila construit à la jonction des avenues Lumumba et de l'Eglise. Peu après, il a aussi dévoilé celui de l'empereur luba, Ilunga Mbidi Kiluwe, érigé au rond-point de la gare au croisement des avenues de la Base et des Manguiers.

Cette cérémonie qui n'a connu aucun mot de circonstance s'est déroulée en présence des députés et des ministres provinciaux du Haut Lomami ainsi que de nombreux curieux venus admirer ces oeuvres d'art. Ces monuments ont été construits l'année dernière par la société sud-coréenne, Congo Akonde qui n'a donné aucun détail sur ces réalisations. Toutefois, ces travaux ont été entièrement financés par le gouvernement provincial du Haut Lomami.

Source: Agence Congolaise de Presse

Annex 85: Contract award letter dated 23 February 2019

Figure 1. Surety Bond Declaration by Congo Aconde's Bank to the City of Lubumbashi



Afriland First Bank CD

Siège Social
vard du 30 juin n°767
inshasa/Gombe
43) 99 090 11 11
43) 99 090 22 22
www.afrilandfirstbankcd.com
o d'impôt A0700212P
N/RCCM/14-B-3330

CAUTION DE SOUMISSION
N°0001-SMS-16-10-2018

Afriland First Bank CD/Agence de Lubumbashi, n° 92, Avenue SENDWE Lubumbashi/Haut-Katanga, RDC

Bénéficiaire : **Ville de LUBUMBASHI**

Sis 1041, Avenue ULINDI Q/Golf, Commune et Ville de Lubumbashi.

Date : **10/10/2018**

Nous avons été informés que **CONGO ACONDE Sarl** (ci-après dénommée «le Soumissionnaire») a répondu à votre Appel d'Offres **AAO N° N° 003/MARIE V. L'SHI/Cel-Techn-MP/2018 pour réhabilitation et addition d'ouvrage au bassin de la ville, Commune de Lubumbashi, près du stade de la Victoire dans la province du Haut – Katanga.** (Ci-après dénommée « l'Offre »)

En vertu des dispositions du dossier d'Appel d'Offres, l'offre doit être accompagnée d'une garantie d'offre.

A la demande du Maitre de l'Ouvrage, nous **AFRILAND FIRST BANK CD**, nous engageons par la présente, sans réserve et irrévocablement, à vous payer à première demande, toutes sommes d'argent que vous pourriez réclamer dans la limite de **$US 108.225 (Dollars américains cent huit mille deux cents vingt-cinq).**

Votre demande en paiement doit être accompagnée d'une déclaration attestant que le Soumissionnaire n'a pas exécuté une des obligations auxquelles il est tenu en vertu de l'Offre, à savoir :

a. s'il retire l'Offre pendant la période de validité qu'il a spécifiée dans la lettre de soumission de l'offre ; ou

b. si, s'étant vu notifier l'acceptation de l'Offre du Maitre de l'Ouvrage pendant la période de validité telle qu'indiquée dans la lettre de soumission de l'offre ou prorogée par l'Offre ou prorogée par le Maitre de l'Ouvrage avant l'expiration de cette période, il :
- ne signe pas le Marché ; ou
- ne fournit pas la garantie de bonne réalisation du marché, s'il est tenu de le faire ainsi qu'il est prévu dans la clause 38 des instructions aux soumissionnaires.

La présente garantie expire (**a**) si le marché est octroyé au Soumissionnaire, lorsque nous recevrons une copie du marché signé et de la garantie de bonne exécution émise en votre nom, selon les instructions du Soumissionnaire ; ou (**b**) si le marché n'est pas octroyé au Soumissionnaire, à la première des dates suivantes : (**i**) lorsque nous recevrons copie de votre notification au Soumissionnaire du nom du soumissionnaire retenu, ou (**ii**) vingt huit (**28**) jours après l'expiration de l'Offre.

Toute demande de paiement au titre de la présente garantie doit être reçue à cette date au plus tard. La présente garantie est régie par les Règles uniformes de la Chambre de Commerce Internationale (CCI) relatives aux garanties sur demande, Publication CCI no : 458.

Le Chef de Guichet — **Michael BAZODILA**

Le Chef d'Agence, — **Lévi's LEMA**

AFRILAND FIRST BANK CD
AV.SENDWE N°92
VILLE DE LUBUMBASHI
Agence de SENDWE

Figure 2. Notification of Contract Award by the City of Lubumbashi



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU HAUT KATANGA

VILLE DE LUBUMBASHI
BUREAU DU MAIRE
[redacted]

Lubumbashi, le 23/02/2019

N°.092./BUR-MAIRE/VILLE/L'SHI/2019

TRANSMIS copie pour information à :
- Madame le Maire Adjoint ;
- Monsieur le Mandataire du Budget;
- Madame le Comptable Urbain ;
- Monsieur le Chef de Service Urbain de la Décentralisation et Réformes Institutionnelles;
(TOUS) à LUBUMBASHI.

Objet : Notification d'attribution de marché public des travaux pour la réhabilitation et addition d'ouvrages au Bassin de la Ville de Lubumbashi.

A Monsieur le directeur Général de la Société CONGO ACONDE
à LUBUMBASHI.

Monsieur le directeur Général,

J'ai l'avantage de porter à votre connaissance que le marché susmentionné en marge, vous a été attribué.

Vous serez invité à mon office pour la signature du contrat aussitôt les formalités administratives terminées.

Veuillez agréer, Monsieur le Directeur Général, l'expression de ma franche collaboration.

LE MAIRE DE LA VILLE

Ghislain Robert LUBABA BULUMA

Annex 86: Request by Congo Aconde to lift the Surety Bond



N. Réf ; 009/19/CA

Lubumbashi, le 18 Avril 2019

A
Monsieur le **Chef de l'Agence**
De l'Afriland First Bank CD
A
LUBUMBASHI

Objet : **Levée de la caution de soumission**

Monsieur le Chef de l'Agence,

J'ai l'honneur de venir auprès de votre haute autorité, solliciter la levée de la caution de soumission à l'appel d'Offre N°003/MAIRIE**V.L'SHI/Cel**-Techn-MP/2018.

En effet, je suis votre client sous le numéro de compte [redacted] USD au nom de CONGO ACONDE dont le montant de caution est $US108,225 (Dollars américains Cent huit mille deux cents vingt-cinq).

En attendant une suite favorable, veuillez agréer, M. le Chef, l'expression de nos considérations distinguées.

Le Directeur Général
M. Pak Hwa Song



Adresse: Avenue Ulindi, Lubumbashi/Golf N°RCCM: CD/LSH/RCCM/18-B-00029
TEL: +243 851 217 131 E-mail: congoaconde@gmail.com N°Compte AFRI: 00019000030203064850l-21

Annex 87: Hwang Kil Su at a project site in Kolwezi, dated 22 November 2019



Annex 88: The Mole: Undercover in North Korea

The Panel has written to several Member States and entities concerning scenes portrayed in The Mole. The Panel is continuing its investigation.

Cambodia
For the Panel's enquiry and Cambodia's response, see para. 90 and annex 43.

Canada
Canada has responded to the Panel concerning a scene in The Mole.

Denmark
Denmark has provided information concerning scenes in The Mole to the Panel.

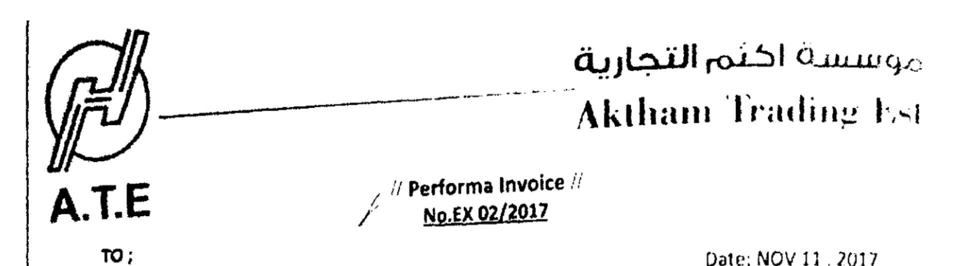
Jordan
One scene in the film depicts Mr Hisham al-Desouki — a Jordanian national — describing a scheme to violate UN sanctions through a proposed joint venture between Korea Narae Trading Corporation and Aktham Trading.[156] In response to the Panel's inquiry, the Hashemite Kingdom of Jordan described Mr al-Desouki as an "infamous swindler" who maintains a small office with no staff and has never shipped any goods to the Democratic People's Republic of Korea. Jordan also supplied the Panel with the pro-forma invoice and contract (figure below) that was portrayed in the film and noted that "... the deal was never implemented, and al-Desouki's goal was to obtain money without implementing his part of the deal…"

Sweden
Sweden has provided information concerning scenes in The Mole to the Panel.

Uganda
The Panel noted that the documentary suggests that international arms dealers from the DPRK and nationals from a European country discussed the construction of a facility on an island in Lake Victoria in Uganda in 2017. The suggested facility, while to be disguised as a hospital or resort, was potentially for the manufacture of Methamphetamine and arms from components sourced by or from the DPRK. The documentary also depicted subsequently negotiating with the representative of the island's owner and local officials about purchasing the island and constructing the facility. The documentary suggests that the project was never realized. The Panel has not yet received a reply to its enquiry from Uganda (see para.150).

[156] According to documents obtained by the Panel, Mr Hisham al-Desouki is the owner and operator of Aktham Trading.

Figure: Copies of invoice and contract



// Performa Invoice //
No.EX 02/2017

TO ;

Date; NOV 11 . 2017

Government of the DPR of Korea
Mr. Alejandro Cao de Benos
Special Delegate ,
Government of the DPR of Korea

Sr. No	Description	Price MT USD	Qty M/T	Total Price USD
1	Diesel fuel – EN 590	345	5000	1.725.000.00
2	Gasoline – 95 Octanes Country of Origin; Russia Federation - Physical & chemical indicators according to attached specification	280	5000	1.400.000.00
				3.125.000.00

Total Price	Three million and one hundred and twenty-five thousand US dollars Only.

TERMS & CONDITIONS:

1-Prices quoted are CIF Prices and valid for 30 days from the date of Performa Invoice .
2- Payment terms : In USD to be made by MT 103 .
3- Inspection : from any accredited company at the cost of sellers .
4- Supporting documents for the consignment: Invoice Certificate of origin - Transfer Certificate- Certificate of Inspection - Bill of landing & Product Injection Report/ Vessel details .
5- Delivery within a period not exceeding forty days at Nampo port from the date of receipt of your Payment .

6- Bank details:-
BANK NAME ; ARAB BANK , AMMAN – JORDAN
ACCOUNT NAME ; AKTHAM TRADING ESTABLISHMENT
ACCOUNT NO ; 0135 / 030979 / 500
IBAN ; JO11 ARAB1350 0000 0013 5030 9795 00

General Manager
Hisham Aldasouqi

Attached annexes



مؤسسة أكثم التجارية
Aktham Trading Est.

PETROLEUM PRODUCTS SUPPLY AGREEMENT

Sale Contract No . PI.EX 02/2017

July 2018

Narea Trading Corporation



Democratic People's Republic of Korea



مؤسسة أكثم التجارية
Aktham Trading Est.

Ref: PI, No. EX 02/2017

Date: 4/07/2018

PETROLEUM PRODUCTS SUPPLY AGREEMENT

BETWEEN:

Aktham Trading Establishment . a company existing under the laws of the Hashemite Kingdom of Jordar and having its registered office at 481 Prince Hassan Street Amman.

[Hereinafter referred to as the Seller Party A]

AND

Narea Trading Corporation . 2-1 Ponghwa-dong , Pothonggang District , Pyongyang , DPR Korea

[Hereinafter referred to as the Buyer Party B]

The Buyer and the Seller are hereinafter collectively referred to as the "Parties "and individually as the "Party".

Whereas:

(A) The Seller is engaged in the business of marketing and selling petroleum products including lubricants and has offered to sell certain Products (as defined below) to the Buyer during the term of this Agreement;

(B) The Buyer is engaged in the business of purchasing and trading petroleum products;

(C) The Buyer is desirous of purchasing the Products from the Seller and the Seller has agreed to supply the Products to the Buyer on the terms and conditions as set out in this Agreement.

QUANTITY, Total Purchase Order is 5000 metric Tons Diesel Fuel & 5000 metric Tons Gasoline
ORIGIN, Russia Federation

THEREFORE, IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

In this Agreement, unless the context requires otherwise, the following terms shall have the meanings ascribed against each:

"Agreement" means this Petroleum Products Supply Agreement;

"Bill of Lading" means the lading record made at the time the product is loaded into originating ships, tanks .

"Delivery Location" means Nampo port or Songrim port

"Consignment" means each monthly volume of GASOLINE 5000 metric tons +/- 10% and DIESEL FUEL 5000 metric tons +/- 10% delivered in a single consignment monthly , for twelve months ;

"Effective Date" means the date on which the Agreement comes into force;

"HSSE" means health, safety, security, and environment;

SELLER BUYER

1



A.T.E

مؤسسة أكثم التجارية
Aktham Trading Est.

"Incoterms 2000" shall mean the international commercial terms published by the International Chamber of Commerce (ICC) and titled Incoterms 2000;
"Off Spec Fuel" means any fuel supplied or offered to be supplied by the Seller that does not conform to the Specification;
"Product" or "Products" means Diesel fuel – EN 590 & Gasoline – 95 Octanes that conforms to the Specification in Diesel fuel, EN 590 & Gasoline – 93 to 95 Octane
"Quantity" means 5000 + 5000 metric tons of diesel fuel & gasoline +/- 10% in total;
"Specification" means the technical specification as EN 590 & Gasoline – 95 Octane
"Surveyors" shall mean SGS or other third party surveyor as Seller and Buyer may mutually agree;
"Working Day" means any day other than a Saturday, Sunday, or any day on which banking institutions in UK / USA & China, are authorized or required by applicable law to close for business.

2. SUPPLY OF PRODUCT

2.1 The Seller agrees to supply to the Buyer, and the Buyer agrees to purchase from the Seller, the Product.
2.2 The Seller shall deliver the first Consignment in thirty days from the Effective Date .
2.3 All Consignments shall be delivered by the Seller at the tanks, ship,, or tanker trucks at the Delivery Location.
2.4 The Parties represent that they shall comply, and shall cause their authorized representatives and personnel to comply, with all safety procedures and the HSSE standards and procedures as observed in the industry.

3. SPECIFICATIONS, RISK & DELIVERY OF PRODUCT

3.1 The Seller shall deliver each Consignment (which shall, unless otherwise instructed by the Buyer, be of equal proportions of the Quantity) CIF to the Delivery Location.
3.2 The Seller shall obtain at its own risk and expense any export license and other official authorization or other documents and carry out all customs formalities necessary for export of the Product and for its transit through any country en route to the Delivery Location.
3.3 The Seller shall, at its own expense, provide the Buyer with the delivery order and the applicable transport documents which the Buyer may require in order to take delivery of the Product.
3.4 The Seller shall provide the Buyer with all documentation required Within fifteen days of receipt of the advance payment. Documents required are:
™ *Bill of Lading
™ *Commercial Invoice
™ *Certificate of Quality
™ *RTC numbers and volumes
*Copies of the Refinery consignment note confirming the date and time of loading ,the quantity of Fuel loaded, the location where the Fuel was loaded, and the designated delivery location.
*Statement and Composite Quality Certificate (C+ test) and the Composite Quantity Certificate whereby Surveyors confirms that the Fuel has been found to comply with the Specification for the volume and quality shipped from the Supply Point up to the Delivery Location .
* All permits, licenses, approvals and other documentation required for the export and transit of the Consignment from the Refinery to the Delivery Location .
*A duplicate of the insurance policy
3.5 The Seller shall at all times adhere to and comply with the Quality Plan.

4. NOTIFICATION OF PROPOSED DELIVERY

Seller shall notify Buyer in writing no later than Five Working Days prior to the first day of the proposed delivery of each Consignment at the Delivery Location, (the "Delivery Date"). Buyer

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shall, no later than two Working Days after the date of receipt of such delivery notice, confirm in writing its ability to accept the consignment on the Delivery Date and shall ensure availability of a tank, ship, or tanker trucks to download the full Consignment in accordance with its obligations in paragraph 5.

5. BUYER'S OBLIGATIONS ON DELIVERY

5.1 The Buyer shall deposit each Consignment into the Buyer's tank, ship, , or tanker at the Delivery Location.

5.2 The Buyer shall bear the cost of testing of the Products by the Surveyors in Accordance with the procedures set forth under the headings "RTC Testing" and "Storage Tank Testing".

5.3 The Buyer shall accept the Seller's Notification of Proposed Delivery, as described in Paragraph 4 of this Agreement.

5.4 The Buyer shall, subject to compliance by the Seller take all necessary steps to transfe fuel at the Delivery Location.

6. PRICE

6.1 The unit price per metric ton CIF to the Delivery Location shall be calculated as follows to the Delivery Location ;

A. **Diesel fuel EN 590**	**Price MT 345 USD – CIF**
B. **Gasoline 95 Octane**	**Price MT 295 USD - CIF**

7. PAYMENT OF PRICE

(30% of the contract value TT advance payment and 50% of the contract value TT after copy of Bill of landing Send by email to buyer and 20% of the contract value by MT within 5 working days after the consignment is arrived at the delivery location.)

7.1 Within ten (10) days after the Effective Date of this Agreement, Buyer shall obtain the issuance of an made (30% TT advance payment and 50% TT after copy of Bill of landing Send by email to buyer and 20% by MT within 5 working days after the consignment is arrived at the delivery location.)

7.2 Payment shall be made for each Consignment amount of the Unit Price multiplied by the amount of fuel in metric tons certified in the Composite Quantity Certificate. Payment shall be made at sight agains presentation of the following documentation in original or by electronically signed email.

(i) Commercial invoice stamped by Buyer's agent, three originals or copies, signed by the Seller indicating the date, the quantity of the fuel in metric tons, and the Specification of the fuel;

(ii) Duplicate of the bills of lading showing quantity of fuel in metric tons dispatched;

(iii) Composite of Quantity Certificate .

(iv) Composite of Quality Certificate.

7.3 In the event that the Issuing Bank, Advising Bank, or Confirming Bank fails or refuses to pay the sight draft presented by Seller, Seller has full rights to sell the Consignment to any other party at Seller's discretion.

7.4 Buyer may only transport a Consignment from the Delivery Location after payment in full of the sight draft is received by Seller.

7.5 All amounts payable under this Agreement, or any portion of the Price, shall be payable by the Buyer in United States Dollars (USD) by electronic funds transfer without any offset, deduction or counterclaim.

8. TERMINATION

8.1 If the Seller shall commit any breach of this Agreement and does not remedy the breach within 10 days after the notice of default from the Buyer, the Buyer may terminate this Agreement. In the event of such termination by the Buyer, the Buyer shall have no obligation or liability to the Seller other than to pay the Seller for amounts due in respect of Product delivered at the Delivery Location,

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8.2 The Buyer shall have the right to terminate this Agreement by giving 60 days prior written notice to Seller. Such notice cannot be given within 60 days of the Effective Date. Such notice shall provide the Seller with the option to deliver and receive payment for three further monthly Consignments after the date of such notice.

8.3 The Seller may terminate this Agreement with immediate effect and without prior notice if Buyer breaches any of its obligations and/or violates any of the provisions of this Agreement.

9. NOTICES

9.1 If there is a state of emergency was paramount to prevent the entry and exit of ships to the Korean ports The delivery and discharge of the tank shall be in(free alongside ship) terms in international waters . Without any modification in the contract and without any additional expenses.

9.2 All notices and other communications given under this Agreement must be in writing (electronically signed email and fax acceptable), in the English language, and shall be deemed to have been properly given and delivered to the other party hereto at its address listed below. Any such notice given will be deemed to have been given or received at the time of delivery, or the next Working Day following the date of sending, if sent by facsimile on a day that is not a Working Day.

Seller:
Aktham Trading Establishment
Mr. Hisham AL Dasouqi
General Manager

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Buyer:
Narae Trading Corporation
Mr. Alejandro Cao de Benos
On behalf of the President of the Narae Trading Corporation

10. INCOTERMS

Incoterms 2000, including the provisions therein under the heading "CIF", are hereby expressly incorporated into and form part of this Agreement. In case there is any inconsistency between term(s) herein and the applicable term in Incoterms 2000,the
term(s) of this Agreement shall apply.

11. FORCE MAJEURE

If Buyer or Seller is affected by a Force Majeure Event which prevents, hinders or delaysit from or in performing any of its obligations under this Agreement then the affected party shall as soon as reasonably practicable after and in any event after the commencement of the prevention, hindering or delay due to the Force Majeure Event, notify the other party in writing giving details of the nature of the Force Majeure Event, the date on which it began to effect the affected party's obligations and its likely effect on the affected party's ability to perform its obligations under this Agreement. Provided that the affected party has notified the other party pursuant to this clause, the affected party shall be excused from performance of, and shall not be liable for any delay or failure to perform under, this Agreement to the extent that the performance is prevented, hindered or delayed by the Force Majeure Event.

For the purposes of this Agreement, "Force Majeure Event" means, with respect to any obligation of a party (the "Affected Party") under this Agreement any event or circumstance that:

(i) is beyond reasonable control of the Affected Party in performing such obligations and is not the result of the fault or negligence of the Affected Party (including the Affected Party's Affiliates and any of its or their employees, directors, officers, agents, or contractors) and which by the exercise of reasonable efforts under the circumstances, the Affected Party could not reasonably be expected to avoid, and which prevents the Affected Party from performing such obligation;

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(ii) is not the direct or indirect result of the failure of the Affected Party to perform any of its obligations under this Agreement;
iii) materially or adversely affects the ability of the Affected Party to perform any of its obligations under this Agreement;
(iv) the occurrence of which the Affected Party has provided notice of to the other party hereto in accordance with this section;
(v) is not due to the negligent or intentional acts, errors or omissions of, or material or negligent or intentional failure to comply with any requirement of an applicable governmental authority by, the Affected Party or any affiliates, contractors, agents or employees of the Affected Party;
(vi) which is of an extraordinary nature; or
(vii) is a direct or indirect result of the action or omission of an applicable governmental authority which materially adversely affects the ability of the Affected Party or any of its affiliates to perform ar of its obligations under this Agreement

12. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of England and Wales without regard to its principles of conflicts of law that would require the application of laws of another jurisdiction.

13. DISPUTE RESOLUTION

(i) Mutual Discussion. If any dispute, controversy or claim arising out of or relatingto this Agreement or breach thereof arises, including any question regarding its existence, validity, or termination (a "Dispute") the parties hereto shall attempt to settle such Dispute, by mutual discussions.
(ii) Arbitration. In case of any Dispute not resolved by mutual discussion, either party hereto may, by giving the notice to the other party hereto, refer to the Dispute to binding arbitration at the London Court of International Arbitration (the "Court"). The arbitration will be conducted by a sole arbitrator chosen in accordance with the Rules.
The arbitration fee shall be borne by the losing party hereto unless otherwise awarded by the Court. The arbitration shall take place in London, United Kingdom. The language to be used in the arbitral proceedings shall be English.
(iii) Arbitration- Final. An arbitral award shall be final and binding upon both parties hereto and shall be immediately enforceable. Judgment on the award may be enteredand execution had in any court having jurisdiction or application may be made to such court for a judicial acceptance of the award and an order of enforcement and execution, as applicable. Any damages which may be awarded by the arbitrator shall bear interest from the date of any relevant breach or violation to the date of full satisfaction of such award at a rate equal to the lesser of (i) the ten percent (10%) or (ii) the maximum rate permitted by applicable law.

14. MUTUAL REPRESENTATION & WARRANTIES

Each party hereto represents and warrants to the other party hereto as of the Effective Date:
(i) It is duly formed, validly existing and in good standing under the laws of the state and Country of its organization;
(ii) It has all requisite power and authority to conduct its business, to own or lease its properties, and to execute, deliver and perform its obligations under the Agreement;
(iii) The execution, delivery and performance by it of this Agreement and the consummation of the transactions contemplated hereby have been duly authorized by all necessary action on its part, and do not and will not violate any provision of its governing documents, any indenture, contract or agreement to which it is party, or any applicable law; and
(iv) The Agreement is a legal, valid and binding obligation of such party hereto enforceable against such party hereto in accordance with its terms.

15. SELLER'S REPRESENTATIONS & WARRANTIES

Seller represents and warrants to Buyer, as of the date of delivery of the Product:
(i) Seller has good title to the Product , and the Product is delivered free and clear of all liens, security interests, adverse claims, privileges or encumbrances;

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claims, demands, losses, damages, costs, actions, suits, liabilities, judgments and expenses (including but not limited to legal fees and court costs), and any fines, penalties and assessments, that may be asserted against or incurred by the Buyer's Indemnified Parties, arising out of, resulting from, or otherwise connected with the negligence or intentional wrongful performance or non-performance of this Agreement by the Seller

The Buyer shall protect, defend, indemnify and hold harmless the Seller and its employees contractors and agents (the "Seller's Indemnified Parties") from and against any and all claims, demands, losses, damages, costs, actions, suits, liabilities, judgments, and expenses (including but not limited to legal fees and court costs), and any fines, penalties, and assessments, that may be asserted against or incurred by the Seller's Indemnified Parties, arising out of, resulting from, or otherwise connected with the negligence or intentional wrongful performance or non-performance of this Agreement by the Buyer.

23.2 The Seller and Buyer shall take out with reputable insurance companies such insurance as is reasonably required to satisfy any obligations they may have arising out of this Agreement.

23.3 Any cargo insurance obtained by the Seller in respect of this Agreement responsibility shall:

(a) Contain a waiver of subrogation by its insurers in favor of the Buyer with respect to liabilities arising out of this Agreement.

(b) Name the Buyer as co-insured or additional insured with respect to liabilities arising out of this Agreement.

23.4 The Seller shall, as and when required by the Buyer, produce to it such evidence as may reasonably be required of cargo insurances it is required to take out under this Agreement.

23.5 If the Seller fails to supply, the seller undertakes the following ;

1- Refund of the advance payment to the buyer.

2- (**Performance Bond 2%**)The seller shall pay **2%** of the value of the contract to the buyer as compensation for the expenses .

IN WITNESS WHEREOF, the parties have met together in person and caused this Agreement to be executed as of the Effective Date.

FOR SELLER:
Aktham Trading Establishment
Mr. Hisham AL Dasouqi
General Manager
Date

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AKTHAM CORP. FOR TRADING
.C.T

FOR BUYER:
Narae Trading Corporation
Mr. Alejandro Cao de Benos
On behalf of the President of the Narae Trading Corporation
Date



KFA

Alejandro Cao de Benos

ndon, U.K; Barcelona , Spain)

Special Delegate
Committee for Cultural Relations

President
Korean Friendship Association

Tel: +34 616.496.994
korea@korea-dpr.info
http: www.korea-dpr.info



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Appendix A – Seller's and Buyer Bank information's

Seller's Bank Co-ordinates to receive LC and T/T

BANK NAME ; ARAB BANK , AMMAN – JORDAN
ACCOUNT NAME ; AKTHAM TRADING ESTABLISHMENT
[redacted]

Buyer Bank

BANK NAME ;
ACCOUNT NAME ;
ACCOUNT NO ;
IBAN ;

The shipping address of the buyer

Shipping address billing address
Korea Narea Trading Corporation
2-1 Ponghwa-dong
Pothonggang District
Pyongyang,
DPR Korea



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Appendix B – Specification:
UNLEADED MOTOR GASOLINE
PREMIUM EURO-95 (АИ-95-4) Evaporation Class E

Technical Regulations (TR) "On requirements to motor and aviation gasoline, diesel and marine fuel, jet fuel and fuel oil" and GOST R 51866-2002 (EN 228-2004)

Item No.	Parameter	TR Specified Value	Specified Value GOST R 51866-2002 Evaporation Class E
1	Octane number, min. MON RON	 - -	 95.0 85.0
2	Lead concentration, mg/dm³	absence	absence
3	Iron concentration, mg/dm³	absence	absence
4	Manganese concentration, mg/dm³	absence	absence
5	Density at 15 °C, kg/m³		720 ÷ 775
6	Sulphur concentration, mg/kg, max.	50.0	5.0
7	Oxidation stability, min., not less than		360
8	Gums concentration washed by solvent, mg/100 cm³ of gasoline, max.		5.0
9	Copper corrosion test (3 h at 50 °C), scale unit		Class [illegible]
10	Appearance		transparent and clear
11	Hydrocarbons, vol. %, max.: - olefins - aromatics	 18.0 35.0	 18.0 35.0
12	Benzene, vol. %, max.	1.0	1.0
13	Oxygen, wt. %, max.	2.7	2.7
14	Oxygenates, vol. %, max.: - methanol - ethanol - isopropyl alcohol - isobutyl alcohol - tert-butyl alcohol - ethers (C_5 and higher) - other oxygenates	 absence 5 10 10 7 15 10	 absence 5 10 10 7 15 10
15	Reid vapour pressure, kPa, min. max.	 50.0 100.0	 [illegible] 95.0
16	Distillation: evaporated gasoline, vol. % at: 70 °C (evap. at 70) 100 °C (evap. at 100) 150 °C (evap. at 150), min. Final boiling point, °C, not higher than residue, %, (vol.), max.		 22.0-50.0 46.0-71.0 75.0 210 2.0
17	Maximum vapour lock index (VLI)		not specified
18	Monomethylaniline, vol. %, max.	1.0	1.0

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DIESEL FUEL EURO
A, B, C, D, E, F GRADES
GOST R 52368-2005 (EN 590:2009)

Item No.	Parameter	Specified Value
1	Cetane number, min.	51.0
2	Cetane index, min.	46.0
3	Density at 15 °C, kg/m³	820.0 ÷ 845.0
4	PAH, % (wt.), max.	8.0
5	Sulphur, mg/kg, max., Type I Type II Type III	 350.0 50.0 10.0
6	Flash point in closed cup, °C, higher than	55
7	CCR of 10% residue, % (wt.), max.	0.30
8	Ash, % (wt.), max.	0.01
9	Water, mg/kg, max.	200
10	Total contamination, mg/kg, max.	24
11	Copper corrosion test (3 h at 50 °C), scale unit	Class 1
12	Oxidation Stability: total sediments, g/m³, max.	25
13	Lubricity: corrected wear scar diameter at 60 °C, micron, max.	460
14	Kinematic viscosity at 40 °C, mm²/s	2.00 ÷ 4.50
15	Distillation: at 250 °C, % (vol.), less than at 350 °C, % (vol.), min. 95% (vol.) distilled at temperature, °C, not higher than	 65 85 360

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401 Prince Hassan Street Tel +962 79 5272004 Email: aktham.corp@gmail.com Amman Jordan

Annex 89: Han Ulaaan LLC

Mongolian authorities noted that Hanne Ulaan and Mr Choi controlled twelve bank accounts but only two were active. While in Mongolia, Mr Choi deposited USD 200,000 into Hanne Ulaan's accounts. According to the Member State, Hanne Ulaan LLC transferred USD 19,665 to Russia in April 2019, USD 69,000 to Hong Kong in July 2019, and USD 89,300 to Malaysia in August 2019 to purchase "refined sugar and soybean oil." Mongolia determined that in at least one case — the transaction to a Malaysian company — the Malaysian company's stated business activity did not match customs records and documentation. Although the transac-tion was purportedly for the purchase of "soybean oil", the Malaysian company only manufactures automotive and industrial types of oil.

Mongolia further noted that Mr Choi requested a funds transfer to a bank in Poland, which was ultimately blocked because the correspondent bank identified the receiver as a Democratic People's Republic of Korea national. Further investigation revealed that the receiver's address matched the Democratic People's Republic of Korea's embassy address in Poland. Based on these financial activities, Mongolian authorities have preliminarily assessed Mr Choi and Hanne Ulaan LLC to be a Democratic People's Republic of Korea front company for the purpose of evading sanctions. Furthermore, Mongolian authorities have taken decisive action to freeze approximately USD 13,800 in bank accounts linked to Hanne Ulaan LLC and Mr Choi.

Annex 90: Information about Kim Su-Il

1. Mr. Kim Su-Il:

- Date of Birth: 4 March 1985.
- Passport:

  + (i) Official Passport No. 745220480 issued by Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK), on 2 June 2015, valid until 2 June 2020;

  + (ii) Passport No. 108220348, valid until 18 May 2023.
- Head of the Representative Office of Korea Puhung General Trading Corporation from 15 March 2017, currently has no work permit in Viet Nam.
- Residence: Apartment 1213, B2 Chung cu An Loc 2, Vu Tong Phan street, An Phu ward, District 2, Ho Chi Minh City.
- Family:

  + Wife: [redacted] official passport No [redacted]

  + Child: [redacted] official passport No. [redacted]

2. Korea Puhung General Trading Corporation;

- Business registration certificate: No. 069, issued on 13 February 1999 by the Ministry of External Economic Relations of the DPRK.
- License for establishment: Expired on 31 December 2019 (No. 79-04842-01 issued by Ho Chi Minh City Department of Industry and Trade, first-time issued on 15 March 2017, renewed on 1 March 2018). Ho Chi Minh City Department of Industry and Trade sent the notice of 26 June 2020 to terminate activities of this Office.
- Address: Floor 23, A&B Tower, No. 76A Le Loi street, Ben Thanh ward, District 1, Ho Chi Minh City.
- Scope of business: food, pharmaceuticals, footwear, coffee, dried fruits, textiles, furniture and equipment from Viet Nam for export.
- The total value of export contracts from the Office ranged from $120,000 to $787,827; the Office had transactions with a number of Vietnamese partners, such as Richy Food Souther JSC, Baohung Candy Import Production and Trade Co., Ltd., Laiphu Corporation, Annie's Farm Co., Ltd., Namviet Beverage Manufacturing and Service Co., Ltd., Haviet Investment Trading and Ex-Import JSC. In 2019, the Office did not have a report on its operation as required.

3. Travel information of Mr. Kim Su-Il

- 15 August 2019: Exited Viet Nam.
- 15 September 2019: Entered Viet Nam (04.10am, flight CA741 from Guangzhou, China to Noi Bai, Ha Noi, then travelled to Ho Chi Minh City).
- 1-2 November 2019: Presence noticed in Vung Tau city.

Source: Member State

Annex 91: MCM International Trading Company Limited

Juristic Person Information

MCM INTERNATIONAL TRADING COMPANY LIMITED

Registered No :	0105558186070
Registered Type :	MCM INTERNATIONAL TRADING COMPANY LIMITED
Registered Date :	24/11/2015
Status :	Operating
Registered Capital (Baht) :	4,000,000.00
Address :	PHRA KHANONG NUEA VADHANA BANGKOK
Industry group in registered document :	70209 : Other management consultancy activities, not elsewhere classified
Industrial group in latest financial statement :	70209 : Other management consultancy activities, not elsewhere classified
Fiscal Year (submitted financial statement) :	2559 2558
Board of Directors List :	1.CHOL MINMYONG
Authorized director :	นายโช มิน เมียง ลงลายมือชื่อ และประทับตราสำคัญของบริษัท/
Tel. :	023815204
Fax. :	
E-mail address :	
Note :	

Remark(s)

1. Juristic person information: This information is for general use which is open for the public benefits only. It cannot be used as legal references.

2. Financial statement: The financial information is derived from financial statement submitted by juristic persons. The fact shall be further considered by users.

3. In case the financial statement is never submitted, the system will display an industry group according to the registration record or the company's certificate.

4. "Industry group in the latest financial statement" means the business type as specified in the document when the latest financial statement was submitted to DBD.

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URL : http://datawarehouse.dbd.go.th/bdw/company/profile/ **29/10/2020 00:38:02**



Juristic Name : MCM INTERNATIONAL TRADING COMPANY LIMITED

Print PD

Registered No : 0105558186070

Amount and proportion of Shares by Nationality (For The Year 2016-2020)

No	Nationality	No of Shares (share)	Investment Amount (Baht)	Investment Proportion (%)
1	Thai	20,400.00	2,040,000.00	51.00
2	N. Korean	19,600.00	1,960,000.00	49.00
	All Nationalities	40,000.00	4,000,000.00	100.00

Remark(s) : The capital investment by nationality is referred to the latest submitted shareholders list.

Source: https://datawarehouse.dbd.go.th/company/profile/5/0105558186070

Annex 92: DPRK cyberattacks against a Chilean bank

Based on an open-source report, the Panel is investigating alleged Democratic People's Republic of Korea attempts to hack a financial institution in Chile. In response to the Panel's request for information, Chile's national authorities stated that, "the Office of the Public Ministry in Chile, Specialized Unit for Money Laundering, Economic and Organized Crimes (ULDECCO) has indicated that the criminal investigation initiated in connection to the cyber-attack against [the bank] is still a non-formalized investigation..." The Panel continues its investigation

Annex 93: Adverse impact of the Security Council sanctions on the humanitarian situation in the DPRK and China's endeavors in facilitating humanitarian assistance to the DPRK, non-paper by China

1. Sanction measures have caused adverse impact on the humanitarian situation in the DPRK.

As a result of Security Council sanctions, the humanitarian and livelihood situation in the DPRK has been facing grave challenges. Serious problems exist in the fields of food, health, sanitation, employment and basic economic industries.

There is a severe shortage of food. The DPRK is beset by poor agricultural production, low-level mechanization, old seed technology, aged water conservancy facilities and other infrastructure, insufficient natural disaster preparedness, and low yields of grain. Under the Security Council sanctions, the DPRK does not have enough foreign currency to procure agricultural material; the import of agricultural machinery and equipment has almost suspended; the DPRK is less able to fight natural disasters such as drought, flood and typhoon; and the country's food production is even more difficult. According to media reports, the annual food production of the DPRK stood between 4.1 million tons and 4.8 million tons from 2009 to 2019, with an annual food shortage of several hundred thousand tons. According to the OCHA, among the DPRK's 25 million population, 10.1 million suffer from food insecurity and are in urgent need of food assistance. According to the UNICEF, nearly 20% of children of the DPRK show signs of stunting; around 1 million children under the age of five suffer from diarrhea resulted from malnutrition; and about one third of childbearing-age women suffer from anemia which affects infant health.

The medical condition is poor. Lack of medicine is common among hospitals in the DPRK. Tuberculosis, hepatitis, and malaria remain high-incidence diseases, with tuberculosis causing around 16,000 deaths each year. According to the OCHA, more than 8.7 million people have limited access to quality health service; around 9 million people are at risk of being malaria infected. Nearly all medicines and medical devices in the DPRK are imported. There is a serious shortage of vaccines, antibiotics, nutrients, anthelmintics, infusion bottles, injectors, and X-ray films. Import of some medical devices is prohibited as they fall into the category of electrical products. Rural families mainly rely on herbal medicine in addition to some basic medicine they get occasionally from doctors. The sanitation and hygiene facilities are backward. Sanction measures prohibit the DPRK from importing water purifying equipment, pipes and valves made of iron and steel. So far, a sound tap water pipeline network has not been set up in the DPRK. According to the OCHA, about 8.4 million people have no access to safely managed water sources. Due to insufficient power supply, 24-hour water supply is not available in the DPRK, and families use buckets to store water, worsening water quality. Waste water and garbage disposal systems are lacking. In rural areas, the underdeveloped methods of disposing excrement and waste have caused further deterioration of water and soil pollution.

The industries directly related to people's livelihood are barely surviving. Affected by Security Council sanctions, basic industries, including coal, metal, mechanical manufacturing, are unable to import mechanical equipment and parts, and many factories cannot maintain operation. Chemical industry finds it difficult to update technology and equipment; chemical industry is making little progress; the supply of livelihood-related materials such as fertilizers, pesticides and agricultural films cannot be guaranteed.

Moreover, sectoral sanctions prohibit the DPRK from exporting textiles, mineral ores and seafood, causing an estimated loss of at least 200,000 jobs.

2. The Chinese government always attaches great importance to humanitarian assistance to the DPRK.

The Chinese customs authorities have established standard operational procedure and working method, and actively solved problems during customs clearance of humanitarian goods to the DPRK. Personnel and posts are designated for the job. With these efforts, the efficiency of customs clearance has continued to improve. Since the outbreak of COVID-19, the DPRK has carried out strict prevention measures, and the normal transportation between China and the DPRK has almost suspended. Under such circumstances and meeting pandemic prevention requirements, the Chinese customs authorities have made great efforts to overcome difficulties, and provided as much convenience as possible to humanitarian aid to the DPRK through special arrangements and simplified procedures.

Dalian customs is the main customs dealing with cargo transportation between China and the DPRK. From January to October this year, Dalian customs has conducted customs clearance for 47 batches of humanitarian goods, including 27 batches from the UNICEF, 2 batches from the WHO, batches from the WFP, 3 batches from the ICRC, and 7 batches from other NGOs.

While strictly implementing sectoral embargo measures of the Security Council resolutions, the Chinese commerce authorities have provided expeditious grant of temporary export permits for humanitarian goods procured in China to ensure their timely arrival in the DPRK. The goods include one refrigerator vehicle for vaccines transportation procured by the UNICEF, and two aquaculture vans procured by the French NGO TRIANGLE GENERATION HUMANITAIRE.

Annex 94: Non-paper from a Member State, "Negative impact of the UNSC sanctions against the DPRK on the humanitarian situation in the country"

The UNSC sanctions designed to eliminate the DPRK's nuclear weapons and ballistic missile programs caused a huge negative effect on the humanitarian situation in the country.

Massive repatriation of working North Korean migrants only aggravated internal socio-economic problems, led to the drop of the standard of living of dozens of thousands of people. For many Korean families income earned by their relatives abroad was the main source of their subsistence. According to estimates each overseas DPRK worker provided financial support to ten family members at least. Furthermore, the decreased money turnover damaged the market elements of local economy, nullifying the progress achieved in the recent years.

Due to the discouraging effect of sanctions against Pyongyang the UN OCHA failed to raise sufficient sum for the implementation of humanitarian aid programs in the DPRK (25,1 million USD (23,5%) out of required 107 million USD were gathered by September 1, 2020). Similar dynamics was in 2018 (29% raised) and in 2019 (27% raised).

North Korean national healthcare problems grow out of import restrictions on medical equipment and its supplements related to coercive measures and of a deficit of foreign currency due to export restrictions. This led to the closure of the unique high tech dental hospital in the country. Many other hospitals ceased to perform various medical services, e.g. biochemical blood tests, chemotherapy and radiotherapy for cancer patients because of the absence of necessary precursors. With breast and womb cancer being among the most widespread diseases in the country, such scenario makes Korean women especially vulnerable.

A difficult situation has developed in the energy sector. Amid growing scarcity of hydrocarbons in the country many thermoelectric power stations suspended their operation, for example Sonbong county power plant. Carbon-operated power plants lowered their output as they require certain quantities of liquid fuel in order to operate efficiently. As a result, Pyongyang and the majority of DPRK cities experience rolling blackouts on a regular basis (electricity is turned on during 2-3 hours per day). Rural areas are devoid of electric power almost completely. The locals have to rely heavily on firewood (e.g. to fuel cargo trucks), the latter leading to even bigger damage to forests in the peninsula.

The agricultural sector suffers from acute fuel shortages as well. Unable to use the fuel-consuming farming equipment, Korean farmers are forced back to implement less effective methods (up to using draft cattle and manual labour). This leads to decreasing food security.

Source: Member State

Annex 95: Statement by a Member State on the economic and humanitarian situation in the DPRK

Today, sadly, I must report to you that the economic and humanitarian situations in the DPRK have not improved since our previous meeting, and today we are probably seeing the worst economic conditions in the Kim Jong-un era, though for reasons we are all aware of, it remains impossible to say precisely how much ordinary North Koreans are suffering.

Despite the growth of hardship, the DPRK continues to prioritize the stability and continuity of the Kim family regime over all other national priorities. This policy trajectory requires the KWP, the state, and the KPA to pursue policies of economic and diplomatic isolation; to prioritize politically directed state-development over economic/market-driven development; and it requires the DPRK to prioritize WMDs and repressive internal security controls over higher general living standards and global integration.

The DPRK's policies have also led the UNSC to unanimously adopt increasingly stronger international sanctions resolutions against targeted individuals, organizations, and sectors to halt the DPRK's illegal WMD programs and preserve a regional security balance that is in the interest of all responsible stakeholders. These sanctions have probably slowed the development of DPRK's WMD programs by cutting off vital sources of foreign currency and raising the costs of illicitly obtaining funds and resources. They may also have some small cost in terms of affecting the livelihood of the North Korean people, but these effects pale in comparison with the costs resulting from the North Korean system itself, and in the absence of credible mechanisms that can assure financial flows and materials can be delivered directly to the North Korean people, rather than being coopted by the regime for its own illicit purposes, there is simply little we can do to mitigate these costs, especially if our primary objective is to slow the growth of the DPRK's WMD programs.

This year, unfortunately, in addition to the predictable difficulties the North Korean people face, times have been particularly challenging for additional reasons: First, we assess declines in consumption and production resulting from the DPRK's response to the spread of coronavirus in neighboring countries—policies which have brought unprecedented isolation and control in the KJU era. Second, destruction wrought by three successive typhoons to agriculture production and infrastructure (which I am happy to discuss in detail if you are interested). Third, prioritization of the celebrations of the 75th anniversary of the KWP and the upcoming 8th KW Party congress has led to a number of wasteful "white elephant" projects and massive labor diversion this year.

These political choices have saddled the North Korean people with economic and social policies that have made them significantly poorer, more isolated, and more repressed than all other people in the region. I suspect it is not controversial to assert to this group that the DPRK people on the whole are victims of their regime, not beneficiaries. However, despite the growing toll that these developments are taking on the lives of the people of the DPRK, the leadership has shown no sign of changing course, altering its core policies, or changing its posture towards international assistance and diplomacy—A change which we still welcome and continue to encourage and seek out despite the DPRK's disinterest in responding to our multiple offers.

1. *SANCTIONS AND ECONOMIC REFORM/DEVELOPMENT*

The burden of domestic economic policies, multiplied this year under the added strain of coronavirus mitigation, typhoon recovery, and white elephant projects are the clearly costliest short- and long-term drivers of economic hardship in the DPRK. Under the DPRK's countless wasteful economic policies, GNI has fallen behind regional partners for decades, and with each year the gap gets wider. At the end of

2019, the DPRK's GNI per capita stood at 1.408 million KRW ($1,200), approximately 1/27 (4%) of that of South Korea. This gap is so wide now that it should be obvious that no realistic amount of humanitarian aid or sanctions relief is going to eliminate the economic gap between the DPRK and its neighbors in the region, particularly the ROK. This can only come from a fundamental transformation of the DPRK's economic system which puts growth and productivity ahead of propaganda and credibly protects a wide range of decentralized economic activity from political interference—and these policies must be carried out for decades.

However, the DPRK leadership probably assess that these kinds of policies are not yet in the best interests of the Kim family system as they would likely undermine the regime's ideology and legitimacy, require a devolution of some of Kim's authority to collective leadership, and weaken Kim's control over the fiscal levers he needs to sustain the personalized regime. In other words, the kind of policies that would increase growth could be destabilizing or even regime-threatening to the Kim family if not implemented carefully and properly. It is these internal dynamics that are probably the best explanation for why the DPRK has been so reluctant to boldly implement significant changes, and why instead they fall back onto policies of general isolation, state-led economic development, and nuclear deterrence.

Some have raised the argument that robust sanctions enforcement and a corresponding loss of hard currency earnings by the regime has been a significant driver of the DPRK's recent turn away from economic reforms--because a lack of hard currency in official coffers will blunt enthusiasm for reform efforts among officials, or decreased capital flows will restrict private sector entrepreneurship and mute beneficial social changes.

In response to these arguments, I would like to say first of all that the economics literature shows overwhelmingly that dwindling official coffers are a more robust predictive variable of substantive economic reforms than growing official coffers. In most cases it is dwindling coffers that force officials to reinvent their agencies and policies so they are no longer loss-making enterprises. Full coffers tend to delay structural reforms because they relieve political pressure to fix broken systems. I don't think there is any dispute to this among development economists. I think we were seeing this to some degree in the DPRK, but eventually the public desire to expand decentralized economic incentives was becoming a growing political problem for the regime, and it halted this trend with traditional repressive mechanisms.

But what about the second argument that sanctions are hurting grass-roots entrepreneurship? To paraphrase the argument, "what if overseas workers cannot come home with savings and training gained abroad, won't it be more difficult for them to start private businesses and promote social change with their knowledge?" This is an interesting "bottom-up" model of reform, but misses many key facts relevant to the North Korean case. First, many overseas workers come from "middle-class" and relatively privileged families in Pyongyang (according to published reports and to my own personal conversations with some of them), so they are not from among the downtrodden with low "songbun." They already have capital to pay bribes and fees required to get sent abroad in the first place, so they are probably already able to start small businesses if they are so inclined and properly connected (a condition that is probably more important than obtaining investment capital).

Second, the vast majority of the income that North Koreans earn abroad is retained by the state-owned enterprises that employ them—so the regime is the primary beneficiary of their labor, not themselves. Third, while abroad NKs live highly controlled and monitored lives with little time off, so the little unauthorized information they do obtain is explained away with propaganda indoctrination or workers are ordered to keep this information secret when they are debriefed on their arrival back home. Consequently, the "social loss" to the DPRK of minimizing the number of overseas workers is dramatically smaller than

advertised by this school of thought. Now would North Koreans prefer to live abroad and earn more money? Sure. So would I, but in the absence of a credible mechanism to make sure that the funds these workers earn can be kept away from the DPRK's WMD programs, we have no other choice other than to restrict their deployment. The UNSC has already unanimously determined this.

Also, if we look at the trajectory of economic reforms in the Kim Jong-un era, they appear uncorrelated with any sanctions enforcement. Agricultural and enterprise reforms were publicly launched months after KJU took power (spring 2012) and rolled back almost immediately afterwards—nearly five years before the UNSC unanimously implemented sectoral sanctions and bans on overseas workers in 2017. However, after the DPRK rolled back its first attempt at agricultural reform in 2012, it continued to experiment quietly with economic adjustment measures under the slogans of "our style economic management, plot responsibility system, and socialist enterprise responsibility management system" even as international sanctions were tightened. Eventually these new economic policies were formally added to the DPRK constitution in April 2019, well after the implementation of sectoral sanctions in 2017. This reinforces that domestic concerns are the primary drivers of economic reform in the DPRK, not international sanctions.

But we still don't know many details of the DPRK's changing economic policies or how much they boost output. It appears, however, that the regime's desire to preserve the ideology and legacy of the previous leaders has probably played a role in constraining reform and protecting poor economic institutions. For example, the organization of cooperative farms around Kim Il-sung's "Sub Work Team Units" has probably hindered the regime's ability to implement economic incentives in agriculture which could significantly increase the amount of food produced domestically.

The third pillar of reform in the North Korean system, apart from agriculture and enterprise management has been the adoption of Special Economic Zones. North Korea has continued to try and drum up support for its Special Economic Zones throughout the KJU era, however, the government appears to have stopped prioritizing the creation of SEZs after the death of Jang song-thaek, who, along with his entire patronage network and some of their families, was purged and executed for insufficient loyalty to the leader and mismanaging state resources. Since Jang's execution, only a handful of SEZs have been announced. International sanctions may play a role in making the DPRK's SEZs less economically desirable, but it is impossible to separate this impact from the effects of poor location, poor infrastructure, corruption, and North Korean bureaucracy—particularly in light of the fact that investors can shop around for the best SEZs to fit their needs. But SEZs that did launch in the DPRK also have had a limited impact on the North Korean population or the DPRK's economic policies. These SEZs generally import all their inputs and export all their final goods to another country with few forward or backward linkages to the DPRK. Additionally, the DPRK retains most earnings of its workers just as if they were deployed overseas.

2. FOOD SECURITY

I don't think it would be controversial to assert to this group that the primary cause of the DPRK's perennial food shortages is its own inefficient domestic agricultural and economic policies. Food shortages are not a failure of overzealous sanctions enforcement or a failure of international assistance.

If the DPRK implemented meaningful reforms to cooperative farming, like the leadership in People's Republic of China did in the 1980s, the DPRK probably would not need to import staple grains to feed its people. It is the DPRK's stubborn refusal to eliminate agricultural quotas; failure to invest in agricultural equipment and fertilizer production; and inability to offer long-term, tradeable leases in land management (among other policies); that have resulted in chronic food shortages and frequent need for supplemental imports.

Despite the annual poor performance of DPRK's agricultural policies, it still does its best to discourage effective humanitarian assistance, even in dire years like this one where the country has been more thoroughly isolated than at any time in its history (due to the coronavirus lockdown) and while at the same time suffering unusually harsh weather (three typhoons).

3. The DPRK does not publish reliable or comprehensive data on adverse events with humanitarian consequences. The data they do release is intended to facilitate their policy goals, not reflect real observations. Consequently, messages sent domestically and internationally are frequently contradictory and this hinders our ability to assess the reality of the situation.
4. The number of aid workers and diplomatic staff in the DPRK is probably at an all-time low (at least since the 1990s), and the prospects of increasing their numbers are nil in the current environment.
5. The aid workers that are in the DPRK face increased restrictions on their movement (even more than usual), so they cannot conduct their programs or independently monitor the true status of humanitarian conditions in the country. This significantly raises the cost of providing humanitarian assistance and this cost has been a disincentive to providing more assistance.
6. The DPRK has politicized humanitarian assistance. It is only accepting aid in areas that the KWP considers a priority, and it is only accepting aid from countries that do not pose an ideological problem for the regime or demand procedures that minimize diversion.
7. That said, the aid that the DPRK has received has almost certainly been diverted to meet the needs of the leadership, relieving pressure on them to reform their systems or open a door to diplomacy with other countries that seek to help the North Korean people.

Despite the negative assessment I have given you today, Rodong Sinmun has reported on this year's harvests of corn, rice, and potatoes in neutral to mildly-positive terms, which indicates that the KWP is not yet worried about a severe food shortage this year. They report that harvesting is done and threshing is underway and that many farms are overfulfilling their requirements under the 80-day battle for production. In addition, media reports of food prices remain well within observable norms even though there was some short-term volatility related to coronavirus lockdown. However, neither of these sources address the variety of foods that are available, and this has almost certainly declined owing to coronavirus mitigation policies on imports and restrictions on internal movement. But again, since the number of humanitarian and diplomatic staff in the country is at a relatively low and their ability to travel, especially out of Pyongyang, is even more constrained, it is difficult for us to acquire detailed information on the actual status of ordinary North Koreans, many of whom the regime considers expendable.

8. HEALTH CARE

With regards to the provision of health care assistance, many of the same criticisms apply. The DPRK's approach to improving health care this year is the "white elephant" model. This is exactly the wrong approach to employ. The regime has focused all its energy on hastily building a showcase hospital in the heart of the capital city. Construction was started, apparently, without a comprehensive plan for even completing the building. Construction was rushed to meet an artificial political deadline (which it did not meet). Also, the regime began construction without securing the equipment and supplies needed to run it. Staffing the hospital will also be an issue once it is completed. No doubt the doctors will eventually be pulled from other exclusive hospitals in Pyongyang such as the Ponghwa Clinic, the Pyongyang College of

Medicine under KISU, or the Red Cross Hospital. The DPRKs ability to scale up production of highly skilled doctors still remains severely constrained by their own budget priorities and travel restrictions.

Meanwhile DPRK's coronavirus mitigation policies and political concerns have made the provision of health care much more difficult:

1. Import restrictions and have likely reduced the flow of medical supplies from China. International aid projects that have been approved by this committee have been unable to carry out their projects on time and most have had to request extensions. In addition, the regime's quarantine measures have probably reduced smuggling as well.
2. The DPRK refuses to talk to or negotiate with the ROK on aid projects that this committee has approved.
3. There are relatively fewer aid workers and NGOs in the country to evaluate conditions and coordinate assistance. The aid workers that are there are restricted to Pyongyang.
4. DPRKs focus on white elephant hospital diverts resources from where they could do more good, such as the elimination of chronic diseases such as TB, typhoid, cholera, and malaria. It would probably be more meaningful, from a health perspective. International aid organizations are happy to help with this work, but the regime remains fearful of foreign intervention.

So in summary I want to reiterate that the DPRK has plenty of "low-hanging fruit" when it comes to policy options that will improve the livelihoods of its people. These policy options remain unexploited not because of international sanctions but due to fears of instability among the ruling political coalition.

To blame the enforcement of international sanctions on the status of the DPRK's economic and humanitarian situation it to miss the target. If we do actually care about the North Korean people and their livelihoods, then our policies must rest on the shared knowledge that it is the regime that is to blame for the plight of its people, and we should focus our policies on the regime to offer it the incentives to give up its WMD programs and join the global community. If we don't do this, we will run the risk of subsidizing the regime's current policy priorities which means funding the development of the WMD programs we are trying to curtail and sustaining the isolation of the North Korean people.

Source: Member State

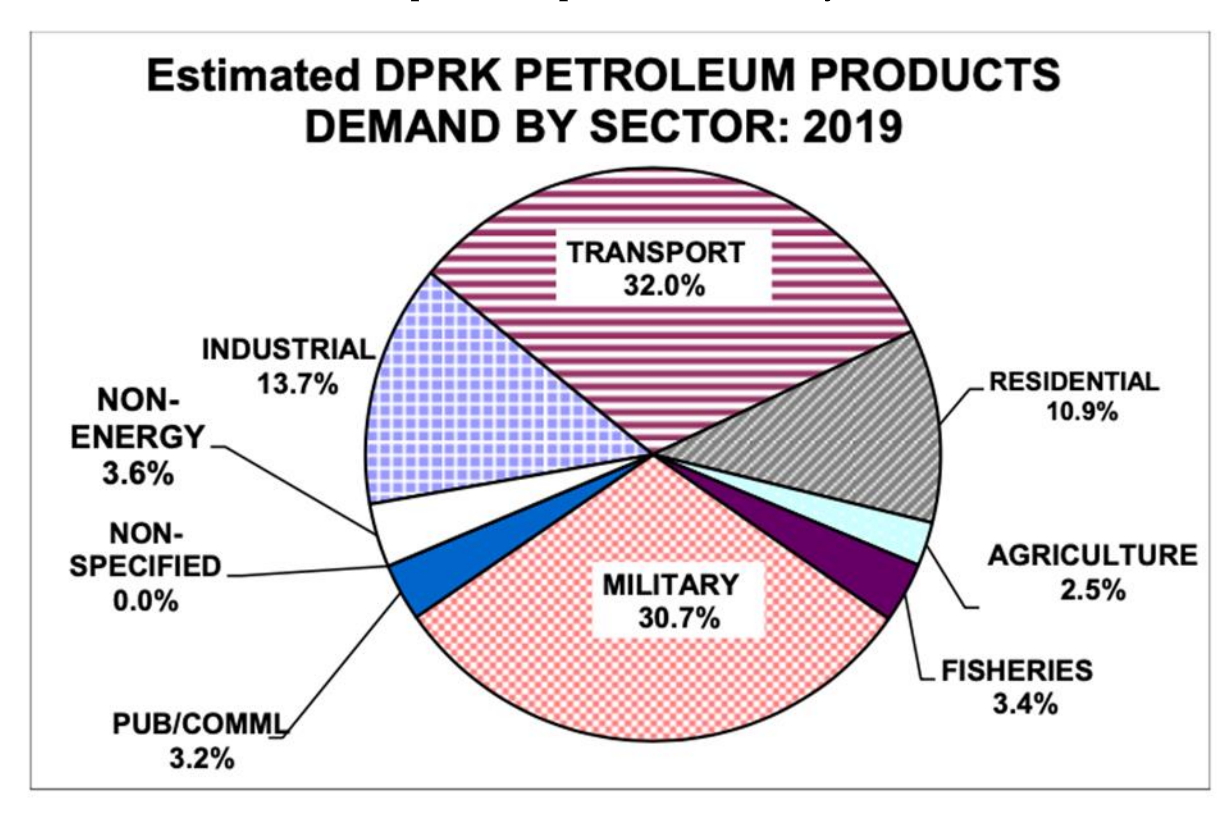
Annex 96: Information provided by a Member State on the humanitarian consequences of sanctions

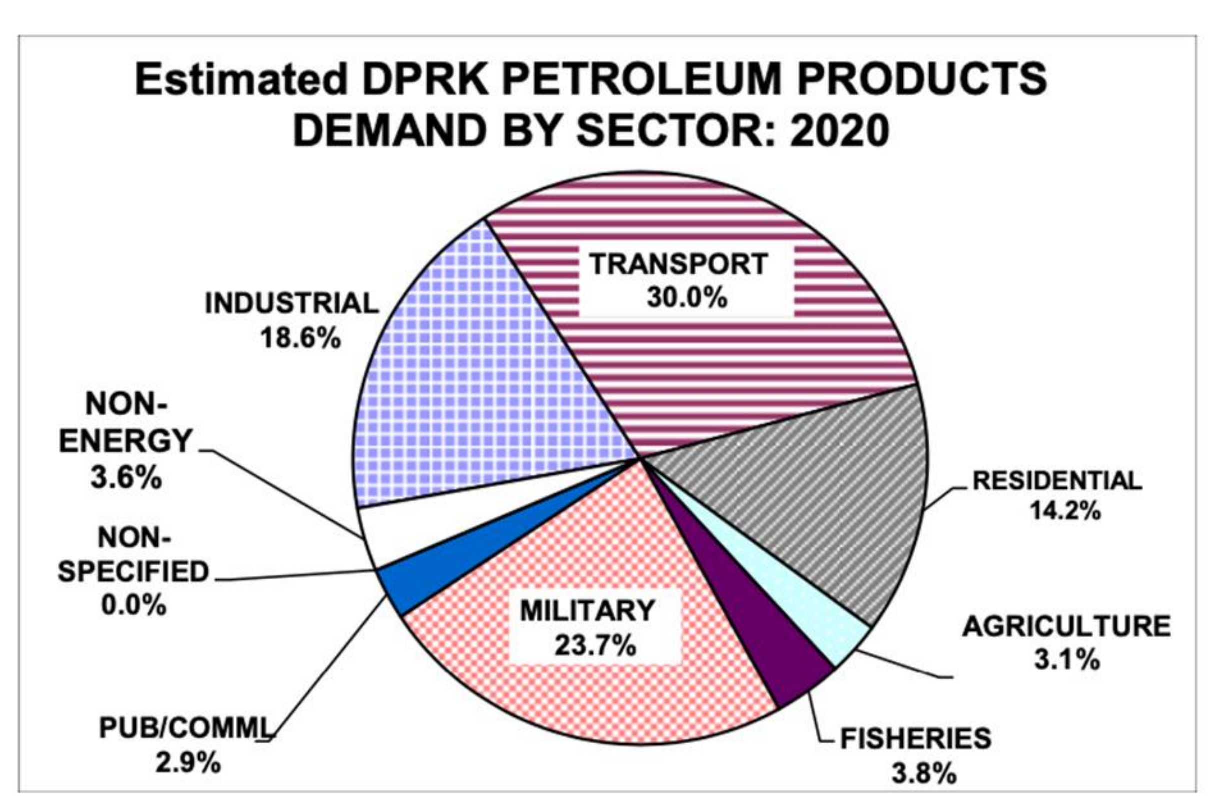
A Member State provided the following points to the Panel:

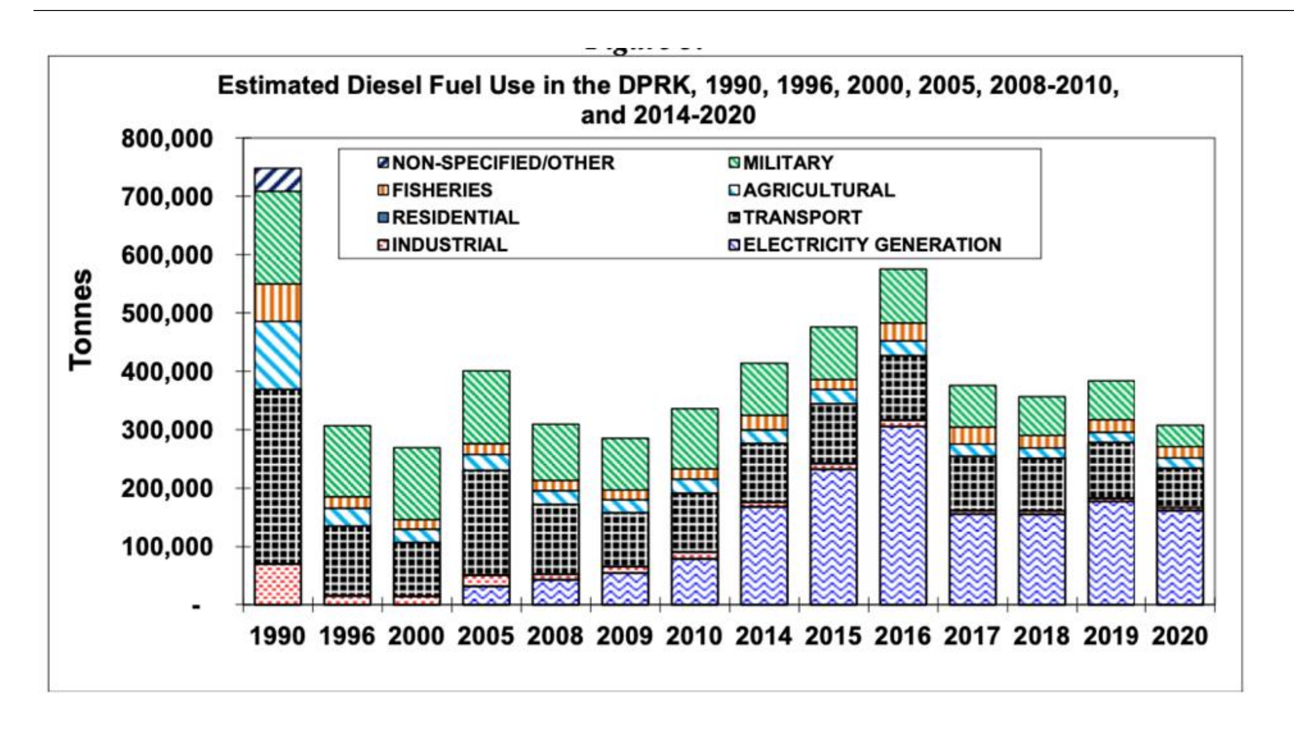
1. Since the start the COVID-19 outbreak, the North Korean regime has implemented highly restrictive and intrusive sanitary measures under the direction of the ad hoc inter-ministerial committee for the fight against the epidemic led by the Ministry of Health. [the Member State] assesses that the spread of COVID-19 in North Korea is perceived by its leadership as the most imminent and acute threat to its survival considering the almost non-existent health infrastructures.
2. In addition, [the Member State] assesses that North Korean authorities have seized the opportunity of the pandemic to further isolate the country from the rest of the world by closing the Sino-Korean border and emptying the country from all international presence, with the departure over time of both humanitarians and diplomats.
3. While official data claim that there is no death so far from COVID-19 and the supreme leader has congratulated the people, the army and the Party for successful victory against the virus, local newspapers such as the Rodong Sinmun regularly mention the active mobilization of different units in the fight against the virus. Considering the lack of reliable and transparent data.
4. With regard to the health situation, [the Member State] is not able to provide information on the actual death toll, which remains, highly uncertain. Nevertheless, in July, Kaesong City underwent lockdown after the return from a former defector who happened to be COVID-19 positive. In the following months, other cities and provinces also went under lockdown: the city of Sinuiju in September, the city of Manpo in October and the entire province of Chagang in November. At the moment, according to open sources, around 54,000 soldiers are said to be quarantined.
5. [the Member State] assesses, that the policy followed by North Korean authorities, in particular the closure of the border with| China, has consequential impact on its economy. In particular, the lengthy blocking of imports for quarantine by North Korean customs at the border has resulted in food shortage and rationing of staple food such as oil and sugar, causing major disruption of supply chains, even in Pyongyang. Moreover, increased volatility in currency trading has been reported over the past weeks, probably underpinned by greater economic imbalances.
6. This shutdown greatly impaired the humanitarian work of international NGOs and United Nations agencies. Due to the complete ban to leave Pyongyang, NGOs were forced to put all of their projects on hold (projects being carried out outside of the capital city) and got deprived of any kind of monitoring capacity. Also, several NGOs reported to us that their equipment had been blocked sine die at the border for the reasons mentioned above. Finally, considering the impossibility to pursue their mission and the extremely difficult living conditions in Pyongyang, the two [NGOs] had to suspend their projects and evacuate their international personnel (3 people) last August. For the same reasons, almost all humanitarians were forced to leave the country in the following months, only three of them remaining beginning of December.
7. [the Member State] assesses that sanctions adopted by the United Nations Security Council have had no significant impact on the humanitarian situation in North Korea and that the framework of the international sanctions regime effectively takes into consideration the humanitarian exception.

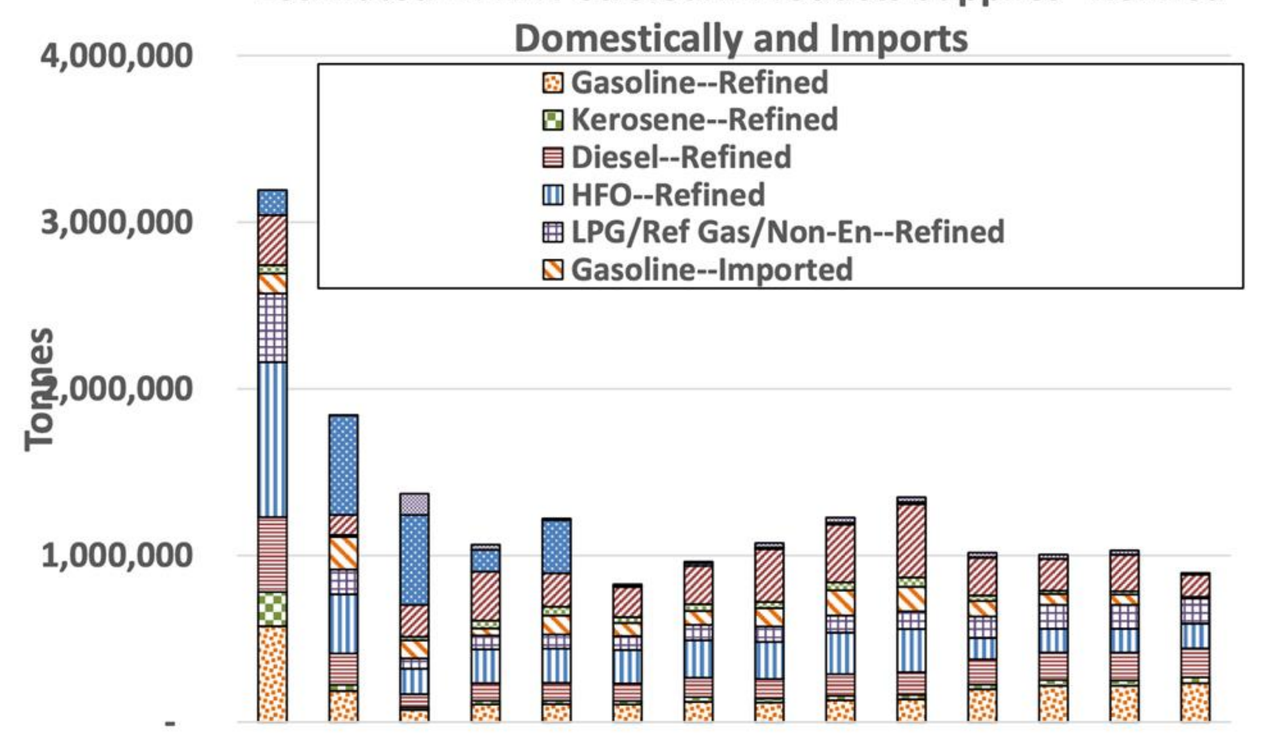
8. UNSCR 1718 (2006) and following are not intended to have adverse humanitarian consequences for the civilian population of North Korea or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance that are not prohibited by resolutions.
9. [the Member State] recalls that the humanitarian situation in the DPRK results first and foremost from decisions taken by its leadership. While neither food nor pharmaceutical imports are forbidden by international sanctions, the population continues to greatly suffer from malnutrition and medicines shortages. North Korean authorities also have yet to provide free, safe and unrestricted access to humanitarian actors in order assess the situation in North Korea in an independent manner.
10. [the Member State] supports the important work of simplification and transparency undertaken by the 1718 Committee in the past years to facilitate humanitarian aid as displayed by the recent adoption of the updated version of IAN7 2.0 which is helpful in improving equipment routing procedures. The exemption mechanism created by UNSC 2397 (2017) has been a useful addition to facilitate the work of humanitarian organizations, including […] NGOs active in North Korea. Thanks to the work of successive 1718 Sanctions Committee presidencies, the timeframe for examining requested exemptions was dramatically reduced, including for COVID-19 related exemption requests, which have all been approved within a few days.
11. Additionally, [the Member State] supports the ongoing efforts by the 1718 Sanctions Committee and the Department for Political and Peacebuilding Affairs to reestablish a banking channel in support of humanitarian activities in North Korea.

Annex 97: Estimated DPRK petroleum products demand by sector









Source: David von Hippel, Peter Hayes, "UPDATED ESTIMATES OF REFINED PRODUCT SUPPLY AND DEMAND IN THE DPRK, 2010 – 2020", NAPSNet Special Reports, September 2, 2020, https://nautilus.org/napsnet/napsnet-special-reports/updated-estimates-of-refined-product-supply-and-demand-in-the-dprk-2010-2020/

Annex 98: Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea at the 75th session

*The following are excerpts from the “*Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*,” available at:* https://undocs.org/A/75/388. The Panel does not take a position on the statements and has not verified the veracity of any claims made therein.

“The Special Rapporteur regrets that he has not been invited to conduct an official visit to the Democratic People’s Republic of Korea. Owing to travel restrictions, he has also been unable to undertake any official missions to the Republic of Korea or neighbouring countries since his visit to Japan from 2 to 4 December 2019 and to Thailand from 28 to 29 November 2019. Limitations on the availability of first-hand information and the lack of opportunities to hear the voices of people from the Democratic People’s Republic of Korea bring additional challenges to a comprehensive review of the human rights situation in the country. The Special Rapporteur held a series of online meetings with victims of human rights violations, their family members, civil society organizations, United Nations agencies and governments. Through that engagement, he learned of the worrying human rights situation of people impacted by the COVID-19 preventative measures, the effects of sanctions on economic and social rights, and human rights violations relating to the existing labour system in the Democratic People’s Republic of Korea.” [p.3]

[…]

“The increased implementation of sanctions has started to seriously affect the entire economy of the country, which is having adverse consequences on the exercise of the economic and social rights of the people. The Panel of Experts established pursuant to Security Council resolution 1874 (2009)considered that the four new sanctions adopted in 2017 “could exacerbate an already difficult situation in the country for those employed in sectors directly or indirectly affected by sanctions”, including through loss of employment and increased restrictions on commercial activities (S/2020/151, annex, para. 209). The textile sector, one of the export-prohibited sectors, and informal commercial activities, for instance, are dominated by women, and any detrimental consequences on those sectors have a particular impact on women’s rights. Since the adoption of additional sanctions in 2017,1exports from the Democratic People’s Republic of Korea have significantly decreased, from $2.63billion in 2016 to $1.65 billion in 2017 and $200 million in 2018.2The country’s exports to China experienced a 90 per cent decrease in 2018 compared to 2017 and its tradedependence on China increased to 95.2 per cent in 2019. Foreign currency reserves have been decreasing and ordinary citizens in the country have been suffering from the failing economy and increasing demand from the Government to provide monetary and labour contributions.” [pp. 3-4]

[…]

“In January 2020, when the global COVID-19 outbreak began, the Democratic People’s Republic of Korea had to contend with difficulties relating to the pandemic in conjunction with one of the most severe sanctions regimes imposed on anycountry in the world, as well as systemic economic problems and unusually bad weather conditions. Since January 2020, the authorities have suspended all travel in and out of the country, imposed travel restriction between cities and regions and introducedstrict quarantine measures. In August and September 2020, the country was hit hard by a series of natural disasters resulting in damage to infrastructure, including roads, railroads and bridges, and houses and crops. Owing to strict COVID-19 preventative measures, the international staff presence of the United Nations humanitarian

agencies in the country has fallen below 20 per cent, which will have an impact on their response. Several Political Bureau meetings of the Central Committee of the Workers' Party of Korea were held to discuss issues involving COVID-19 and typhoons.

On 19 August, at the Sixth Plenary Meeting of the Seventh Central Committee of the Workers' Party of Korea, Chairman Kim Jong Un reportedly admitted that the authorities had failed to improve the lives of citizens. The adopted decisions stated that the "economy was not improved in the face of the sustaining severe internal and external situations and unexpected manifold challenges, thereby planned attainment of the goals for improving the national economy has been seriously delayed and the people's living standard not been improved remarkably". That realistic assessment of the economic challenges in the country should be the basis for a new five-year economic plan to be announced in January 2021." [p.4]

[…]

"Farmers suffered from a lack of necessary agricultural inputs such as fertilizer and gasoline at a critical time when they were planting seeds, growing seedlings and transplanting rice. In the first half of 2020, the import of fertilizer totalled $4.38 million, which is one ninth of the import of the previous year. Access to agricultural supplies, which was already negatively affected by sanctions prior to the implementation of COVID-19 preventative measures, was further limited owing to the border shutdowns and movement restrictions. The lack of supplies is likely to impact the harvest in September and October 2020, which constitutes 90 per cent of the country's food production. On 19 May 2020, a research institute report estimated the amount of annual rice production of the Democratic People's Republic of Korea to be 1.36 million tons,1418,000 tons less than the 2018/2019 production estimate. If the estimate is accurate, that will be the lowest harvest since 1994 (about 1.5 million tons),which saw the Arduous March and the onset of famine. Furthermore, flooding caused by heavy rains in August and September 2020 left thousands of hectares of crops damaged. As a result of the pervasive discrimination in the public distribution system, ordinary citizens, including farmers, do not receive rations. Prospects of a further deepening of food shortages and widespread food insecurity is a serious concern, not only owing to the danger of starvation, but also concerning the health and well-being of large segments of the population due to poor nutrition. The Special Rapporteur urges the Government to invest the necessary resources to overcome that serious food insecurity and to break the cycle of isolation. He also calls on the international community to reassess the implications of the measures being taken, including sanctions, that impact the right to food." [pp. 7-8]

[…]

"In a briefing paper issued by the Korea Institute for National Unification in August 2020, the author argued that while China might provide the Democratic People's Republic of Korea with support to mitigate the crisis resulting from COVID-19, such support would not be sufficient to offset completely the shocks that the sanctions cause to the country's economy. The sanctions imposed on the country make it difficult to enjoy the basic human right to an adequate standard of living. The negative impact of the sanctions on the people is particularly worrying when the country is further isolating itself and information received from within the country is further limited with the reduced presence of the international community and only a trickle of escapees arriving in the Republic of Korea. Under the unprecedented situation of the COVID-19 pandemic, the need to re-evaluate parts of the sanctions regime is more compelling than ever. The Special

Rapporteur welcomes the swift response of the Security Council Committee established pursuant to resolution 1718 (2006) to provide humanitarian exemptions. He recommends that the Security Council study the policy on a standing exemption for humanitarian organizations. He also urges the Secretary-General to conduct a study on the humanitarian impact of sanctions, as recommendedby the Panel of Experts established pursuant to Security Council resolution 1874 (2009)(S/2019/171and Corr.1, annex, para. 180). The Government of the Democratic People's Republic of Korea is further isolating the country from the rest of the world and the authorities are slowing down the acceptance of humanitarian aid. That is a dangerous trend and the Special Rapporteur encourages the Government to reflect on that policy and urgently reverse it. The measures to contain the outbreak of COVID-19 must not compromise programmes aimed at advancing basic human rights such as the rights to health, food, water and sanitation and housing, which are equally necessary to combat the COVID-19 pandemic in the short and the long term." [p.9]

[…]

"The Special Rapporteur recommends that the international community:

> (a)Urgently reassess the implications of measures being taken, including sanctions, on the right to food of the people in the Democratic People's Republic of Korea." [p.21]

[…]

Annex 99: Survey to NGOs on the effects of COVID on humanitarian operations

In order to assess the impact of COVID-19 on humanitarian organizations operating within the DPRK, the Panel sent a survey of questions to 38 organizations. Eleven organizations (29%) responded to the Panel's inquiry.[157] These included both UN organizations as well as non-governmental organizations that applied for exemptions either directly to the 1718 Committee, or through a Member State or the UN Resident Co-ordinator in the DPRK. At the outset, the Panel clarified that responding to the its inquiry was optional and that it had no bearing on the exemption approval processes within the 1718 Committee. The following questions were sent to the organizations.

QUESTION 1: Please provide detailed information and data on whether your organization experienced delays in shipments or reductions in operational capacity due to issues related to quarantine measures in the DPRK and/ or (please specify) implementation of UN sanctions. To what extent have COVID-19 related delays impacted your humanitarian operations, including monitoring?

QUESTION 2: Do you anticipate further delays or reductions in operations, and if so on what grounds?

QUESTION 3: What is your assessment of the impact of the COVID-19 pandemic within the DPRK, and in what way has it influenced the overall humanitarian situation? Please include details of the evidence on which your assessment is based.

QUESTION 4: If your operations require humanitarian exemption approvals from the 1718 Committee, has the approval process met your needs? What, if anything, could be improved upon in the exemption process, or in the implementation of UN sanctions, to better meet your operational needs and objectives?

[157] Two organizations rescinded their responses due to security concerns.

Table 1. Humanitarian organizations' responses to the Panel's survey

Org. No.	Response Summary
1	● The border controls and travel restrictions enacted by the DPRK Government beginning in January 2020 in response to the COVID-19 pandemic have had a significant impact on the shipment of supplies and movement of personnel in support of its humanitarian operations. ● Essential medicine, nutritional supplements, and water purification tablets, which were cleared for shipment by the 1718 Committee, were delayed for nearly four months at the border. Climate-controlled storage resulted in additional costs. ● In-country personnel and those returning have experienced difficulties accessing target populations to deliver humanitarian assistance. ● The organization is currently unable to engage directly with the government and fully expect border closures and travel restrictions to continue through 2020. ● Due to COVID-19 related restrictions, the organization assesses that, "...that approximately 440,000 children and pregnant and lactating women will not receive micronutrients, approximately 95,000 acutely malnourished children will not receive necessary treatment and approximately 101,000 kindergarten-aged children will not receive fortified foods. Furthermore, approximately 89,500 people will not have access to safe drinking water." The organization further notes that, "The restricted movement of people is a concern especially for those requiring medical treatment be it for chronic conditions, be it for severe acute malnutrition (children) or tuberculosis. The schools have been closed for extended periods, leading to a lot of missed classes. The shortage of imported goods in Pyongyang is a clear pointer that other external inputs (for example for agriculture) may be in short supply as well. The strict border closure will affect the livelihood of small traders and industries relying on cross-border trade." ● The organization notes that IAN 7 has been an important step in clarifying the procedural processes. Although the six-month timeframe to ship items has helped, additional flexibility with shipping timeframes is "critical due to the ongoing delays resulting from the COVID-19 pandemic."
2	● COVID-19 related travel restrictions "severely restricted work," which has resulted in the delay of drilling water wells that provide clean water to vulnerable populations. ● Unable to conduct cross-border transfers of needed materials and the travel restrictions have hampered overall implementation and monitoring efforts. ● The ability to continue operations will depend on whether travel restrictions and border closures are relaxed.

	● "The exemption process has met our organizational needs. We recently received a one- year exemption extension instead of the standard six-month. The one-year period is greatly appreciated." The organization recommends that the Committee adopt a one-year standard in order to help organizations working in-country to better utilize resources.
3	● The organization has experienced a temporary suspension of activities due to travel restrictions. ● Beginning in March, the organization has withdrawn most of its international staff located in Pyongyang. The office is currently operating with reduced staffing levels. ● Shipment delays are hindering operations. Disinfectant kits, which were approved for delivery in March, were not delivered until June. The organization has additional shipment in pending status. ● Will likely continue to experience delays as long as travel restrictions remain. The domestic travel ban has made independent monitoring and assurance activities "impossible." ● "... the humanitarian impact of COVID-19 is going to be severe and threatens to undo much of the progress made in areas such as food security, nutrition and health. However, it has to be noted that any assessment of the impact of the COVID-19 pandemic within the DPRK is based on assumptions rather than evidence at this point." The hardest hit will be those requiring medical treatment for chronic conditions, severe acute malnutrition, or tuberculosis. ● Noted significant improvement over the last 1.5 years in terms of the application process, but would prefer to have exemption extensions valid up to one year. The organizations also reiterates the need for a stable banking channel and recommends a "green-list" of items eligible for multi-year extensions (e.g., water pipes, plastic sheeting for agricultural needs, and personal protective equipment).
4	● COVID-19 has significantly increased procurement lead times and has contributed to delivery delays. Reproductive health kits, for example, were procured in the first quarter of 2020 but were delayed in transit. ● Storage of temperature-controlled items have led to increased overall costs. ● The continued lack of a banking channel has disrupted the organization's cash-flow. ● Travel restrictions have diminished the ability to conduct field visits and the lack of rotating staff and recuperation since January 2020 has increased fatigue and reduced operational capacity. ● Because of limited cash availability, reduced staffing, and in-country restrictions on travel, the organization anticipates further reductions in implementation activities. ● The organization notes the need for "special guidance on customs clearances at the operational level, particularly

	in transit countries" in order to reduce lead times. The organization goes on to suggest that "that the Committee consider the provision of IT equipment and supplies to the DPRK government, which could strengthen and enable statistical agencies responsible for data production and analysis."
5	• The organization explained that applying for sanctions exemptions took, in some cases, more than six month, but noted that most of the delay was due to local authorities that needed additional time to review requests. • Even after the Democratic People's Republic of Korea lifted some of the border closures, the organization experienced challenges and delays with importing goods because of a growing back-log and prioritization for medical supplies and equipment. • Travel restrictions and restrictions on the movement of in-country personnel has hindered monitoring capability and capacity, as the organization is unable to bring in new personnel or supplies. • The organization does not expect a change to its circumstances in 2020 and notes that, "...restrictions may have affected humanitarian results, but the extent cannot be known because of lack in-country personnel and monitoring capabilities." • Recommends that the Committee continues to streamline the application and approval process.
6	• The organization has experienced significant delays due to measures imposed by the Democratic People's Republic of Korea and measures imposed by third-party countries. Shippers and freight-forwarders remain in short supply and there continues to be a dearth of "feeder-vessels" to carry goods from Dalian, China to Nampo Port, Democratic People's Republic of Korea. The lack of sufficient feeder-vessels is due primarily to the closure of land border crossing and the country's request that all supplies be sent via sea. • Travel restrictions have negatively impacted both implementation and monitoring efforts. • The lack of a banking channel and international flights have led to cash-flow problems that are now affecting local implementation activities. "This has hampered [the organization's] ability to conduct in-country activities such as technical workshops, cascade training to the provinces, and joint technical monitoring with the Ministry of Public Health. The absence of international flights has also prevented [...] international experts from training and coaching government counterparts on different technical areas." • Sustained border closures and global travel restrictions will continue to hinder operations. The organization notes that "humanitarian work has literally come to a standstill." • In terms of recommendations, the organization suggests "extending the approval time from 6 to 12 months, especially during the pandemic, which would help mitigate procurement and shipping challenges related to the redacted shipping/ freight-forwarder options."

7	● Although the organization's exemption was approved in April 2020 none of the humanitarian supplies could be procured in time given the Democratic People's Republic of Korea's COVID-19 related border closures and travel restrictions. These supplies included agricultural equipment, food processing equipment, and "critical materials" for water supply activities. ● Implementation and monitoring activities by the international teams have been restricted since January 2020 and the majority of the organization's budget for DPRK activities is suspended. This has impacted the delivery of food security, agricultural, and water and sanitation activities that would benefit more than 67,000 people. ● The organization has had to reduce its financial portfolio for 2020 and has had to make substantive programmatic changes to DPRK activities. "The technical support required to maintain and sustain previous operations will be significantly disrupted. The restrictions might also affect future programming activities and normal operations." ● In terms of recommendations, the organization notes that COVID has "increased the complexity of the operating environment" and that six-month extensions are too short. The organization also advocates for "blanket waivers" for specific items and highlights the continued need for an operational banking channel
8	● Measures put in place due to COVID-19 have resulted in the schools being closed. Consequently, school-aged children may not be receiving proper nutritional requirements and meals. Due to COVID-19, the Democratic People's Republic of Korea had refused shipments of food items, which the organization was forced to store at the Chinese border. These food items were damaged or sold off, resulting in a financial loss to the organization. ● Due to border closures, shipments of children's winter clothes (e.g., coats and boots) will not arrive. The organization is concerned that many children are not prepared to endure a long and cold winter without warm clothes. Stalled shipments of vinyl sheeting, which is used for greenhouses and subsistence farming, are also stuck at the border, further jeopardizing food security. Medical supplies, such as dressings, heating equipment, and syringes, are delayed and the hospitals in need have run out of supplies. Other medicines were held at the border in climate-controlled containers, which has resulted in increased expenses for the organization. ● Due to in-country travel restrictions, the organization is unable to monitor several of its agricultural projects. In the second half of 2020, the organization had to cease all monitoring activities. ● The organization describes difficulties with transferring funds — noting several experiences with banks that blocked humanitarian-related transactions. ● The organization makes three relevant recommendations: first, that the 1718 Committee establish a stable banking channel and second, that the 1718 Committee work with banks to ensure humanitarian-related transactions are not impeded. Finally, in order to coordinate more effective procurement and delivery, the organization recommends the 1718 Committee establish and publish a "white list" of goods that can be exported to the DPRK without first seeking Committee approval.

9	● The organization claims that "the sanctions on North Korea most influence the North Korean civilians. In various humanitarian sectors, such as health care and agriculture, the sanctions impact the North Korean people directly or indirectly. As for the health care sector, export bans are imposed on some medical equipment under HS Code 90, including ultrasound machines, respirator, stethoscope, thermometer for pregnant women and under the HS Code 79 through 89, including medical sterilizer for the prevention of mycobacterium tuberculosis complex and machine of dental prosthesis, dental scanner, so that they cannot be provided to North Korea without the Committee exemptions approval."[158] ● The organization "has seen donations sharply reduced and many sponsorships canceled. In 2019, donations decreased by 72.9% compared to the previous year (2018), and in 2020 (from January to November), they decreased again by 27.7% compared to the previous year (2019). The current situation brings our future projects to a head with no hope for resumption."

[158] The Panel notes that medical items mentioned are not covered by sectoral sanctions and that member states should ensure their customs clearance processes and procedures avoid "over enforcement."

Annex 99 (a): Statements from NGOs regarding UN sanctions

The following quotes have been compiled from the responses to the Panel's survey to NGOs. The Panel does not take a position on the statements and has not verified the veracity of any claims made therein.

NGO 1

"We can arguably say that the sanctions on North Korea most influence the North Korean civilians. In various humanitarian sectors, such as health care and agriculture, the sanctions impact the North Korean people directly or indirectly. As for the health care sector, export bans are imposed on some medical equipment under HS Code 90, including ultrasound machines, respirator, stethoscope, thermometer for pregnant women and under the HS Code 79 through 89, including medical sterilizer for the prevention of mycobacterium tuberculosis complex and machine of dental prosthesis, dental scanner, so that they cannot be provided to North Korea without the Committee exemptions approval. The same goes for the agricultural sector. Fuels, fertilizers, and agricultural tools and equipment are subject to export limitation, which have severely impacted on food security in the country. Humanitarian assistance to North Korea is highly influenced by relations between North Korea and the international community and political conditions. Now North Korea is increasingly challenged by climate change and natural disasters. The North Korean people are the hardest hit by the challenges. WFP said the sanctions on North Korea have disrupted the humanitarian supply chain and delayed the delivery of supplies. It takes months for goods to be delivered to North Korea. Shipping companies are hesitant to carry humanitarian goods to North Korea, given the strict and complicated inspection, penalty, and possible entry restrictions into other ports"

NGO 2

"UN Security Council says that UN sanctions are not applied for humanitarian operations but it actually hinders humanitarian operations. As an international NGO we purchase goods for humanitarian aids in China and send them to DPRK through NK-China border. We have partners in China who handle from purchase to delivery of goods to DPRK. We need to send project expenses to them but when we disclose the purpose of transfer is to help DPRK, banks in [a third country] reject it, and even they accept, intermediary banks [...] reject to handle it. In conclusion, money transfer is very difficult resulting in humanitarian aids is not available on time. If the sanction is really exempted for humanitarian operations, money transfer problem must be solved firstly."

"We appreciate 1718 committee to approve our exemption in a short time, but the application for approval process was not easy. To find out HS Code, specification, manufacture and manufacturing company of all goods were really tough. That's why many NGOs give up send goods to DPRK. Moreover many NGOs provide same goods to DPRK such as soybean produce equipment and greenhouse building materials but we usually do not know which organization sends which goods to DPRK because we do not disclose it in public. So it will be very helpful if 1718 committee makes a list of goods approved exemption and, disclose it to NGOs, and allow organizations sending them to DPRK without further approval."

NGO 3

"UN Security Council says that UN sanctions are not applied for humanitarian operations but it actually hinders humanitarian operations. As an international NGO we purchase goods for humanitarian aids in China and send them to DPRK through NK-China border. We have partners in China who handle from purchase to delivery of goods to DPRK. We need to send project expenses to them but when we disclose the purpose of transfer is to help DPRK, banks in [a third country] reject it, and even they accept, intermediary banks(usually US banks) reject to handle it.

NGO 4

"There are other multiple challenges for UN Agencies due to the closure of international banking channels which has resulted in a disruption of cash flow to continue day-to-day programme and operations; and the COVID-19 prevention measures that restrict capacity building initiatives and in-country monitoring field visits. Only disbursement of essential life-saving medicines through the government channel could be managed without the presence of international staff and using alternative monitoring mechanisms."

Annex 99 (b): Summary of suggestions from NGOs

The following list of suggestions has been compiled from the responses to the Panel's survey to NGOs. The Panel does not take a position on the suggestions and has not verified the veracity of any claims made therein.

1. In order to prevent the indiscriminately and unreasonable use of sanctions, encourage, at a request from humanitarian aid actors, their suppliers of food, medicines, children goods to apply for exemptions.

2. To send information of exemption to the shipping companies, appointed by consigner for delivery of humanitarian cargos and to recommend a trusted banking channel to the humanitarian aid actors when granting the exemption.

3. To consider measures to ensure DPRK civil populations' access to humanitarian assistance and safe delivery of humanitarian aid and to prevent obstruction and the delivery of, or access to, or distribution of humanitarian assistance.

4. To provide special guidance on custom clearances at the operational level, particularly in transit countries. This would speed up the process and reduce the lead-time for humanitarian deliveries.

5. To consider introduction as a condition of granting exemption for a longer than usual period of time request to the humanitarian organization to report to the UNSC every six months, on its the implementation, and on any impediment to the delivery of humanitarian aid.

6. To consider adopting regulations which would make it easier for humanitarian groups to bring laptops, ambulances, and other aid-related items into the DPRK. Allow the humanitarian programming through provision of IT related equipment and supplies.

7. To return to the idea of a "green list" of humanitarian goods for which multi-year exemptions could be granted at lease for a limited range of general-purpose commodities (for example: water pipes, plastic sheeting for agriculture, personal protective equipment etc.)

8. To study the idea of adoption of a "white list" of entities, sort of accredited companies, who were for more than once approve for exemption for DPRK humanitarian aid and share it with banks worldwide to facilitate the transfer for the humanitarian aid purposes and to appoint specific banks in the exemption process so that NGOs can use these banks to transfer money to purchase commodities under exemption.

9. To study a suggestion on obtaining general clearances from the Committee for commonly procured medical items and supplies at one time, which would avoid repetitive submissions for the same items.

Annex 100: Consolidated list of recommendations

1. The Panel recommends that the Committee to consider issuing a new list of WMD and ballistic missile-related items to which measures imposed in paragraph 8 (a), (b) and (c) of resolution 1718 (2006) apply.

2. The Panel recommends that Member States exercise vigilance in screening international academic exchanges with scholars of the DPRK by verifying both subjects and sponsors to comply with paragraphs 10 and 11 of resolution 2321 (2016), paragraph 17 of 2270 (2016), and paragraph 8 (a), (b) and (c) of resolution 1718 (2006).

3. The Panel reiterates its recommendation that Member States report any known transfers of refined petroleum products to the DPRK in full conformity with resolution 2397 (2017).

To the Committee

4. The Panel recommends the designation of the following vessels for violation of paragraph 5 of Security Council resolution 2397 (2017):

- ***An Ping* (IMO No. 7903366), formerly Sierra Leone-flagged**
- ***Heng Rong* (IMO No. 7913098), unknown-flagged**
- ***Rich United* (IMO No. 9129213), unknown-flagged**
- ***Run Da* (IMO No. 8511172), formerly Mongolia-flagged**

5. The Panel recommends the designation of the following vessel for violation of paragraph 5 of resolution 2397 (2017), and reiterates its recommendation for designation of the vessel for violation of paragraph 11 of resolution 2375 (2017):

- ***Xing Ming Yang 888* (IMO No. 8410847), unknown-flagged**

6. The Panel continues to recommend the following vessels for designation for further violation of paragraph 5 of resolution 2397 (2017):

- ***Diamond 8* (IMO No. 9132612), formerly Sierra Leone-flagged**
- ***Hokong* (IMO No. 9006758), unknown-flagged**
- ***New Konk* (IMO No. 9036387), unknown-flagged**
- ***Subblic* (IMO No. 8126082), unknown-flagged**
- ***Unica* (IMO No. 8514306), unknown-flagged**
- ***Yun Hong 8* (MMSI No. 413459380), China-flagged**

7. The Panel recommends the designation of the following vessels for violation of paragraph 11 of resolution 2375 (2017):

- ***Enterprise* (IMO No. 9153331), formerly Togo-flagged**
- ***Ri Hong* (aka *Klausen*) (IMO No. 9162318), formerly Sierra-Leone flagged**
- ***Tae P(h)yong* (IMO No. 9018751), DPRK-flagged**

To Member States, on best practices with regard to the activities of the DPRK

On due diligence measures related to the evasion of sanctions

8. The Panel recommends that Member States continue to foster industry-wide awareness on the challenges posed including new tactics in sanctions evasion by culpable individuals and relevant steps to mitigate these risks. This can be disseminated in the form of industry-wide advisories and circulars.

On due diligence measures related to ship-to-ship transfers

9. The Panel recommends that parties engaged in ship-to-ship transfers of refined petroleum in areas where such illicit transfers are known to occur authorize the ship captain or an assigned crew member to send an email to the relevant flag registry providing notification of the event, ship identifiers (name, IMO and MMSI) of the vessel involved, the material and volume of the transfer, the date and time of the start and stop of the transfer, and the location of the transfer.

10. The Panel recommends that relevant counterparties in the maritime supply chain to consider implementing controls that allow for proper verification-of-origin checks for ships that conduct ship-to-ship transfers, particularly in areas where illicit transfers are known to occur. Such steps could include requirements for complete, accurate shipping documentation, including bills of lading that identify the origin and destination of cargo and copies of export licenses, where applicable.

11. The Panel recommends that Member States exercise vigilance to identify and prevent the illicit operation of vessels obtaining DPRK fishing permits, which may use various methods to obfuscate their activities and identities.

12. The Panel recommends that Member States exercise vigilance in inspection of cargo, including luggage of individuals traveling to or from the Democratic People's Republic of Korea, as required by paragraph 13 of resolution 2321 (2016) and paragraph 18 of resolution 2270 (2016).

13. The Panel recommends that Member States exercise vigilance concerning the transfer of artworks of the designated entities to comply with the asset freeze requirements of relevant resolutions.

14. The Panel recommends designation of the Korea Paekho Trading Corporation and Paekho Art Studio.

15. The Panel recommends that Member States streamline their export control lists to reflect the list of prohibited luxury goods in a manner consistent with the objectives of resolutions 1718 (2006), 1874 (2009), 2094 (2013), 2270 (2016) and

2321 (2016), avoiding unnecessary broadening of their scope taking care not to restrict the supply of ordinary civilian-use goods to the wider population nor to have a negative humanitarian impact.

16. The Panel reiterates its recommendation that Member States encourage their business entities and nationals exporting luxury goods to include a contractual provision to prevent resale to the DPRK.

17. The Panel reiterates its recommendation that Member States and relevant organizations encourage shipping and transportation companies to provide thorough systems for checking consignees, bearing in mind the risk of transshipment.

18. The Panel recommends that Member States continue to exercise vigilance in screening the visa and residency status of nationals of the DPRK in order to prevent the circumvention of the obligations contained in the resolutions.

19. The Panel notes the DPRK's reliance on corporate service providers to facilitate its sanctions evasion activities and encourages Member States to continue to address opaque corporate registration rules and regulations that may afford anonymity to sanctions evasion activities.

20. The Panel recommends that Member States conduct enhanced due diligence on contractors and subcontractors for development projects, especially those in sub-Saharan Africa that involve municipal loans, grants or foreign direct investment.

21. The Panel recommends that Member States work with freelance IT companies to promote and enhance sanctions compliance implementation capacity and capability.

22. The Panel recommends Choe Song Chol and Im Song Sun for designation by the Committee.

23. The Panel recommends Pak Hwa Song and Hwang Kil Su for designation by the Committee.

24. The Panel recommends that the Committee review the NGO responses to the Panel's survey to help inform future decision-making and to better assess humanitarian aid needs and impact (annex 99).

25. The Panel notes the importance of the arrangements for re-establishing the banking channel.

26. The Panel notes the usefulness of biannual briefings by the relevant United Nations agencies on the unintended impact of sanctions and recommends that the Committee continue this practice.

27. The Panel recommends that the Security Council continue to address issues and processes that mitigate the potential unintended adverse impacts of sanc-tions on the civilian population of the DPRK and on humanitarian aid operations to benefit the vulnerable population of the DPRK and overcome the conse-quences of the COVID-19 pandemic.

28. The Committee should continue to streamline the processes and procedures for applying for humanitarian exemptions.

29. The Panel recommends that Member States submit their reports in full con-formity with resolutions 2371 (2017), 2375 (2017) and 2397 (2017).